

## **Research Project Experience (Summer 1)**

### **Reflective Research Report**

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#### **Introduction (94)**

My research consisted of a comparative thematic analysis of three high-profile miscarriages of justice involving women accused of infanticide: Joanne Hayes (Ireland, 1985), Sally Clark (England, 2003), and Kathleen Folbigg (Australia, 2023), from a feminist perspective. All the cases follow a similar fact pattern, consisting of women convicted of infanticide, only to be exonerated later. I was supervised by Dr. David Prendergast, and Ms. Lynn Clarke-Hearty of the School of Law, and funded by the Laidlaw Foundation. This reflective piece will discuss the structure and methodology of the project, findings, challenges and leadership outcomes.

#### **Intended Structure & Methodology (104)**

I planned on conducting the research in two separate layers. The first was to embody a doctrinal legal approach in examining official judgments. This part intended to utilise a thematic analysis grid in order to identify recurring themes and patterns. These would then be compared across the jurisdictions and cases to uncover the factors shaping systemic biases against female defendants. The second layer involved the inclusion of critical feminist theory to analyse the findings in relation to common themes made in the first part. I intended to situate this in an interdisciplinary context, drawing information from socio-political sources to go beyond pure legal work.

#### **Research Process (493)**

Briefly described, my research process was qualitative, reflective, and iterative, conducting legal analysis with a feminist viewpoint to understand structural biases and the factors contributing to the aforementioned unfair outcomes. Special focus was placed on centering female voices, those of the defendants, the women who supported them, and the work of female academics advancing feminist theory within critical legal studies.

I started by reading the cases. This strictly legal analysis quickly allowed me to branch out into other forms of media. I focused on gathering as much information about my chosen cases as possible, reading contemporary news articles, listening to podcasts, watching documentaries, and reading books to comprehend the public perception of the defendants

and their stories as they played out. This permitted me to view the issues from a social, more humane perspective, rather than the purely academic view I had envisioned.

The next phase of the research involved identifying and analysing common themes. Specifically, I found six key motifs emerging in each case. These were (1) the deliberate misuse of medical and statistical data in order to craft misleading narratives; (2) the ethical questions of scientific evidence provided by expert witnesses; (3) a discourse analysis of the language utilised in the judgments and associated media; (4) the impact of protest and the public eye in the recognition of the cases as miscarriages of justice; (5) the unjust imprisonment of the defendants who were never truly guilty, and finally; (6) social and legal perceptions of female criminality. Each theme seemed to provide a valuable tool of comparison.

It soon became clear that exploring each area in depth within one summer would be unrealistic. I therefore consulted my supervisors, and made the decision to prioritise three key themes: discourse analysis, the impact of protests and the public eye, and the misrepresentation of medical and statistical evidence. Upon reflection, I realise that this selection process allowed me to think critically about my areas of interest, supporting an informed and justifiable decision.

The final stage of the research involved noting the key examples found in the cases under the thematic headings. Maintaining a research diary proved especially helpful in the achievement of this task, making the process a smooth one. In my diary, I noted my own thoughts and opinions on these instances as I read about them, and researched feminist legal and interdisciplinary theory to support my ideas. I used doctrinal analysis as a starting point to contemplate the wider implications of the examples where each of the themes were exhibited.

The plan to centralise female voices became especially valuable at this stage; since it highlighted that seemingly neutral or universal issues such as the misrepresentation of statistical evidence may affect everyone, but take on an exacerbating effect when combined with the inherent sexist biases against women embedded in our social structures. This comparative stage allowed me to bring all the individual elements of my research together, drawing broader connections across the three jurisdictions.

## **Findings (480)**

Having compared my chosen themes from the cases, I made three findings. These were developed by critically examining the material compiled under the thematic headings, and represent, broadly, the lessons learned from the tragic miscarriages of justice in all three cases.

First, the common factor driving overturning of each conviction, state apology, and official pardon was the attention of the public, captured through media attention. This is in contrast to criticisms levelled against the media for oversimplifying legal issues. However, Nobles and Schiff contend that this process is a translation of abstract legal concepts into tangible, emotional narratives. The media's meaning of the law is therefore in no way inferior, and makes the knowledge of miscarriages of justice accessible to the general public. This was seen in Sally Clarke's appeal, when the media reframed her as a "wronged", respectable mother and solicitor' (Nobles and Schiff). While the media did not directly cause the overturning of her conviction, it succeeded in humanising her, creating the conditions of visibility, sympathy, and pressure that made the case impossible to ignore. The presence of this constant discourse keeps issues alive in the public consciousness, and leads to the proliferation of activism, dissent, and academic work, all valuable tools for maintaining pressure on social power structures.

The second finding relates to the importance of acknowledging doubt within the law, or what Eady terms the 'Uncertainty Principle'. It challenges the notions of 'proof and finality' in judgments, suggesting these concepts may directly prevent the identification of miscarriages of justice by crafting an illusion of certainty. True security, Eady argues, lies in 'constant vigilance and acceptance of uncertainty', which prompt the revision of unjust convictions. All three cases showcase uncertain medical evidence and misleading statistics, which were glossed over to vilify the three defendants: the neglect of blood-group findings in Joanne Hayes' case, the reliance on Meadow's Law to convict Sally Clark and Kathleen Folbigg, and the disregard for strong medical evidence suggesting Sudden Infant Death Syndrome in the latter two cases. Ultimately, the uncertainty principle allowed the cases to be revisited and rectified.

The final finding showcases that broadly, the complete rejection of neutrality is essential to address social injustice. Gomez describes the concept of neutrality as the 'unstated male norm', where patriarchal views are so deeply entrenched that they seem normal. An example of this is the vilification of Joanne Hayes in the courtroom as capable of infanticide due to her loose morals, that is, her sexuality. Comparatively, despite uncertainties about the deaths of Kathleen Folbigg's children, her private diaries were misinterpreted into ambiguous evidence on her 'mothering capacity' (as Cunliffe notes) was used to bridge the gap and declare her guilty. I submit that the predominance of the male norm, and its rigid conception of the perfect woman and mother shaped each miscarriage of justice, with courts using these ideas to bridge evidentiary gaps.

## **Deviations from the Research Plan (362)**

There were three key points from digression made from the research plan outlined above. These included (1) abandoning the rigid structure that I intended to use; (2) eliminating discourse analysis as a theme, and (3) taking the decision to not provide policy recommendations.

On the first point, I had envisioned my research unfolding in the clear layers of legal analysis followed by critical feminist theory and other interdisciplinary work. In reality, conversations with my supervisors soon showed me that the two were not mutually exclusive. I therefore chose to conduct the two simultaneously, maintaining a meticulous research diary in order to integrate critical reflections with the legal cases.

Second, I chose to exclude the explicit heading of discourse analysis. I had intended to consider the language or the 'discourse' used for the defendants in the courtroom, by the media, etc. to draw wider socio-political and feminist connections. However, my supervisors helped me realise that the label 'discourse analysis' appeared redundant, since my method already relied on critical reading between the lines. Upon their suggestion, I chose to integrate the principles underpinning this method in my research process. For instance, Lazar, a feminist discourse analysis scholar emphasises that the goal of discourse analysis should be to strive towards radical, intersectional feminism rejecting social structures built on oppression and capitalism. I adopted this aim as a guiding goal of my critical analysis.

Finally, I deviated from the proposed plan to provide policy recommendations. As the project developed, it became clear that the majority of the issues I observed in the cases fell into two categories. The first included abstract social concerns, such as institutional sexist biases, and patriarchal perceptions of the 'ideal woman'. Their existence in structures of power, such as the courts, simply reflects social beliefs. The second involved issues already resolved in the aftermath of the cases, such as the discreditation of Meadow's Law. For these reasons, I reframed my focus on academic work and public activism as avenues for change, rather than policy recommendations.

These experiences helped me learn that the research plan should never be set in stone. The process demands constant revision, and doing so made me more adaptable.

## **Next Steps (53)**

With the support of my supervisors, I have already started working on a full length journal article summarising my findings during the course of this summer. Conducting this project has inspired me to work with the Irish Innocence Project, as their work aligns with my insights on miscarriages of justice and false convictions.

## **Reflections on Leadership (259)**

This project has been a significant stepping stone in my leadership journey in two specific ways.

First, the challenges I faced during the summer have made me more resourceful, adaptable, empathetic, and solution-oriented. Grappling with the emotionally difficult parts of my research, when reading the stories of women losing their children, followed by extreme vilification, caused a significant strain on my mental health. This experience, followed by the support I received from my supervisors, taught me about the humane side of legal research. Overcoming other obstacles such as losing a part of my notes to Microsoft Word, or being ill during the majority of the summer ultimately helped me build resilience and perseverance, both skills essential to leadership.

Second, I succeeded in achieving the goal set out in my Personal Development Plan (PDP), of gaining teamwork experience. The most noteworthy reason for this was working with my supervisors, a new, yet extraordinary experience full of constant learning and collaboration, deliberating on constructive feedback, and steadfast support in all aspects.

Conversations with other Laidlaw scholars, my Action Learning Group, peers, and members of academia among others also provided me with valuable thinking points. Specifically, I got the opportunity to speak with Professor Yvonne Daly, of Dublin City University, an invaluable resource. These experiences allowed me to truly grasp the transformative power of teamwork; the smallest idea can metamorphose into a significant part of the project upon going through the collaborative process. This research has therefore been substantial to my leadership development journey, in line with the Laidlaw Leadership Development Values.

## **Conclusion (144)**

In conclusion, this project taught me that research is rarely linear. It demands flexibility, but its process is incredibly enriching and rewarding. While I regrettably did not get the chance to achieve all of my goals (my plan to make a video summarising the summer quickly fell through when I realised the hopelessness of my editing skills), working on this project has given me a deep sense of fulfillment and much excitement for the rest of the programme. The opportunity to research my own areas of interest was invaluable, and I leave this summer with deep gratitude for the Laidlaw Foundation, the Trinity Employability team, my ever-supportive Supervisors, and everyone who made this experience a positive one. I look forward to the next steps, and hope to take the skills and knowledge I have developed with me on the leadership journey that lies ahead.

