Risky business: Mapping ethical landscapes and negotiating governance tensions when researching female offending

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Abstract

Whilst there is an excellent and growing body of literature around female criminality underpinned by feminist methodologies, the nitty gritty of the methodological journey is nowhere as well detailed as it is in the context of the Higher Degree Research (HDR) thesis. Thus the purpose of this paper is threefold: i) to explore a range of feminist methodologies underpinning 20 Australian HDR theses focussing on female criminality; ii) to identify and map the governance/ethics tensions experienced by these researchers whilst undertaking high risk research in the area of female offending: and iii) to document strategies drawn from negotiations, resolutions and outcomes to a range of gate-keeping issues. By exploring the strategies used by these researchers, this paper aims to: promote discussion on feminist methodologies; highlight pathways that may be created when negotiating the challenging process of accessing data pertinent to this relatively understudied area; contribute to a community of practice; and provide useful insights into what Mason & Stubbs (2010:16) refer to as "the open and honest reflexivity through the research process by describing the assumptions, and hiccups" for future researchers navigating governance landscapes.

Key words: feminist methodologies, feminist criminology, female offending, higher degree research theses, governance, community of practice

Introduction

The original version of this paper, presented at the Crime, Justice and Social Democracy conference (2013), focussed on two critical areas. One area pertained to the governance complexities of the ethics process and the second focussed on the often untapped and rich methodological data residing within a body of Higher Degree Research (HDR) theses on female offending. The paper generated much discussion and highlighted the need to prioritise the lessons learnt from previous researchers. Our goal remains the same: to promote and build a community of practice of feminist

methodologies focussing on female offending as well as to tap into, and build upon, existing research. In a nutshell, this is a revisioning of existing methodological data in which to move forward, using an evidence-based approach. Our paper engages several audiences including: potential HDR students and their supervisors as well as new and experienced researchers considering the research of vulnerable populations for the first This version has refined its scope and will concentrate on the time. feminist methodologies underpinning 20 Australian HDR theses focussing on female criminality. The complex tensions between researchers, institutions, qualitative research and ethics governance will be examined in depth in a future paper. This paper will discuss specific governance/ethics and gate-keeping tensions experienced by the HDR researchers and conclude with a set of strategies drawn from their HDR journeys: unpacking the negotiations, resolutions and outcomes to a range of gate keeping issues they encountered.

Feminist methodologies and female offending

Feminist methodologies provide a rigorous and ethical framework relating to theory, ontology and epistemology (Mason & Stubbs 2012:486), guiding research with vulnerable groups. It is widely acknowledged that there is no particular definition of a feminist methodology. Mason and Stubbs (2012: 486) suggest that there is "no necessary link between a feminist approach and a particular method". Feminist work has always held methodological issues within its purview, developing both responsive innovations and revisioning established methods. A central tenet of feminist methodologies is that research methods must be up to the task of producing knowledge that informs and promotes positive social change (Chesney-Lind & Morash 2013).

Distinctive features of a feminist approach include: questioning the traditional hierarchical researcher-researched relationship; the researcher reflecting on, and recording, their subjective experiences of research; giving a voice to women's experiences; non-dichotomous thinking that is reflexive and collaborative; intersectionality; and the empowerment of women (Campbell & Wasco 2000; Cosgrove & McHugh 2000; Daly & Maher 1998; Davis 2008; Gelsthorpe & Morris 1990; Harding 2007; Letherby 2003). Current transformative critical feminist criminology espouses the importance of theorising gender, as well as a commitment to social justice, and a global approach (Chesney-Lind & Morash 2013). These principles are common themes within feminist research and underpin (to varying degrees) the feminist approaches adopted by the HDR theses explored.

Methodological challenges for feminist researchers

Perhaps the biggest challenge for HDR students, and feminist researchers in general, is gaining access to sufficient data to enable the research to be completed. Much of the research done on women's offending and criminal justice experiences is based solely on what, and who, researchers can actually access – and the methodologies used in this paper confirm this.

Gate-keeping is a double edged sword: the researcher constantly needs to negotiate systemic and/or individual gatekeeper factors to both gain and maintain access to the participants and the field. The gate-keeping experience consists of an indeterminable mix of both enabling factors that facilitate access and/or disabling factors - obstacles to be navigated and negotiated (see Noaks & Wincup 2004). For HDR students in particular, two further compounding factors include "the lack of professional discussion about the open and hidden nuances or problems of fieldwork" (Tomsen 2011: v), and the "assumptions and hiccups" along the way (Mason & Stubbs 2010: 16). The second factor is the very different HDR journey that lies ahead for candidates in contrast to more experienced researchers with greater scholarly networks to draw on for advice, and stronger negotiating power with gatekeepers (see Hoonaard et al 2004; Hoonaard 2006; Israel & Hay 2006:130).

Bartels and Richards' (2011) edited collection *Qualitative criminology: Stories from the field* effectively addresses the first factor, capturing the challenges associated with qualitative research. Our approach is complementary, honing in on feminist methodologies designed to research the sensitive category of female offenders and their strategies in charting and navigating the gate-keeping landscape. The strategies developed from the exploration of feminist methodologies used in the HDR theses serves to partially address the second factor by providing a community of practice pertinent to feminist research, vulnerable groups and the HDR experience.

Let the journey begin: sourcing the HDR theses

To undertake this research, the Troveⁱ database was used to identify Australian HDR theses, using key Boolean search terms such as "female offender"; "women prisoners"; "corrections"; "women"; "prison"; "feminist methodology"; "ethics research"; and "criminology". The Proquest dissertation database was also accessed. Two unanticipated and significant gate-keeping issues were quickly encountered early in our methodology. First, identifying feminist HDR theses was made more difficult by the inconsistent use of Subjects and Keywords and Titles used within the theses' meta data, resulting in a sometimes fruitless search. For example, *The co-residence of children with incarcerated mothers* by Catherine Peake (2007) had "prison interviews" as key words, yet when examined further did not yield a feminist framework and was therefore

excluded. The second gate-keeping issue arose when attempting to access the identified theses. Some universities allowed borrowing rights, some offered a photocopy service (with varying turnaround times and copyright limitations), while others provided a purchase offer with a turnaround time of 6-10 weeks. Our approach was to submit a photocopy request of the contents page, first chapter and bibliography, in order to determine criteria relevance, which again incurred delays. Digital downloads were available at a minority of universities. The significant implications of this gate-keeping situation include: methodologies cannot be easily shared to build a community of practice among qualitative researchers (especially HDR students); work that might otherwise strengthen methodological rigour and enhance a community of practice is siloed; and valuable opportunities are missed for the dissemination of findings that could impact on future research directions and policy implications. This is an identified gap and an impediment to researchers attempting to access this data and apply it in new ways that could potentially accelerate research and innovationⁱⁱ. It highlights the institutional need for uniformity in the formats and storage of, and access to, HDR research data.

Initially 37 Australian HDR theses were located, dating from 1983 to 2013. Our feminist framework criteria required that core feminist research principles, discussed above, underpin the HDR methodology. Applying these criteria, coupled with access limitations,ⁱⁱⁱ resulted in our dataset consisting of 20 HDR theses - 4 Masters and 16 PhDs - accessed from 12 Australian universities.^{iv} The theses were from varied disciplinary faculties/schools including: Justice/Law/Criminology (10), Sociology (5), Social work (2), Horticulture (1), Music (1) and Education (1). All HDR theses shared a combination of feminist methodologies (albeit to varying degrees) including ethnography, participant observation; interviews; action research; forums; journals; reflections; case studies; hermeneutic interpretivism; discourse analysis; policy analysis; and archival research. Experiences varied between states and across the 20 HDR candidates' and their 12 universities.

Data set 1: Theses using only discourse analysis

Ten theses' methodologies^v utilised solely discourse/content analysis techniques (see Bradfield 2002; Chartrand 2008; Farrell 1997; Gurtner 2002; Hunt 1998; Kirkwood 2000; Mills 1997; Mouzos 2003; Roberston-Stainsby 2011; Walker 2001). Of this 'discourse only' dataset, nine were silent on, or glossed over, the specific process undertaken to obtain the necessary data. Explanations for this may be that there were no issues arising with accessing the data, or that the decision was made to avoid highlighting, or 'muddying', the processes completed by the researcher. Significantly, established networks and affiliations of the HDR researcher with criminal justice related organisations were a commonality across five

theses (see Bradfield 2002; Farrell 1997; Kirkwood 2000; Mouzos 2003; Walker 2001).

One thesis in this 'discourse analysis only' dataset, The tales we tell: exploring the legal stories of Queensland women who kill (Robertson-Stainsby 2011) raised methodological issues in accessing data. Robertson-Stainsby (2011) initially intended to interview Queensland women who had been found guilty of homicide. The supervisory advice was that accessing courtroom transcripts (public access information) would speed up the data collection phase of the project, allowing a smoother pathway through the ethics approval process. However, gate-keeping challenges were encountered in seeking the public access information needed. At the time of Robertson-Stainsby's (2011) data collection (2003/4), the Queensland State Reporting Bureau processes required that researchers provide details including: the court date, court location, judge's name, and defendant's name before court transcripts could be obtained. The processes available to researchers at the time were such that there was no way of obtaining the level of information required to access the public record transcripts^{vi}. Further, there was no way to obtain the details of the cases for particular categories of offences, such as homicide. Robertson-Stainsby (2011) sought access to the information through the Brisbane Magistrates Courts, Legal Aid Queensland, Supreme Court Library, Office of the Director of Public Prosecutions, the AustLii database, and the Department of Justice and Attorney-General (JAG). A Freedom of Information request was denied and about to be appealed when a senior colleague enabled access to existing research via his established networks. The data was eventually made available with access granted by the Department of Justice Research Unit (DJRU). The data was extracted from a portion of research conducted by the DJRU for an existing study. The above example demonstrates the importance of establishing networks and champions to assist the negotiation of the research journey for such hard-to-access populations.

Data set 2: Theses using mixed methods (including interviews)

The second dataset,^{vii} consisting of ten HDRs, incorporated interviews within their qualitative mixed methods approach (see Barry 2008; D'Arcy 1995; FitzRoy 2005; Flynn 2008; O'Grady 2009; Marchetti 2005; Pinnuck 1999; Quadrelli 2003; Walsh 2006; Whitely 2013). Of this dataset, eight collected data from the prison environment, one on Indigenous women and the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) (Marchetti 2005) and one focussed on women post-release (Flynn 2008). All encountered enabling and disabling gate-keeping factors to varying degrees, both systemic and/or individual. One can assume that ethical clearances were sought by the HDR candidates from their institutions and relevant prison authorities^{viii}. However, this ethical process and negotiation was not always reflected in the methodologies, with inconsistencies,

regardless of publication date, in the ethics documentation contained in the Appendices.

An absence was often noted in the discussion around ethical issues. This can be, in part, attributed to the increasing governance around ethics policy, procedures and processes over the last two decades. Another explanation could be the articulation and implementation of ethical policy standards at an institutional / discipline level. The value of the ethics journey and ethical deliberations are often left to languish. For example, three HDRs (FitzRoy 2005; Walsh 2006; Whitely 2013), all including ethics discussion, went through the same Victorian Corrections ethics committee, and all received the same feedback regarding the impact on women prisoners' wellbeing post-interview. Whilst building on the research of FitzRoy (2005) and Walsh (2006), the footprints of their ethical journeys were overlooked by Whitely (2013), who approached this same issue without taking on board the lessons learnt by the previous researchers. This oversight resulted in subsequent applications to Victoria Corrections and critical delays to the research timeframe.

Qualitative research with vulnerable groups such as female prisoners brings additional gate-keeping challenges including: gaining access to participants; creating a non-threatening environment; avoiding perceptions of collusion; ethics/access; security clearance; building rapport (communication with women); clarity around the relationship between researcher and corrective services; and legal issues. The process of negotiating access is a major gate-keeping journey for researchers on women's imprisonment. Eight prison-based HDR theses discussed these difficulties and their negotiation forward.

Having established networks, affiliations and enabling gatekeepers were beneficial to some researchers when negotiating these challenges. Some of the HDR researchers in this dataset outlined their established connections to the correction field (Flynn 2008; Walsh 2006) and/or prison support networks (Kirkwood 2000; Quadrelli 2003; Whitely 2013) Margaret D'Arcy (1995), a Policy Officer working for Corrections Victoria, had very different access limitations compared to other external researchers. Her Fairlea prison interviews were conducted after lock-up (4.30pm) to avoid upsetting staff or interfering with the interviewees' free time and the Tarrengower prison interviews were conducted on weekends or after working hours (D'Arcy 1995: 12).

In contrast, Barry (2008), Quadrelli (2003) and Whitely (2013) explored specific challenges regarding barriers to accessing women prisoners. Having gained formal approvals to commence her prison garden project, Lillian Barry (2008) experienced challenges when allocated a space in prison grounds that was restricted access, thereby impacting on how and which women prisoners accessed the garden. A safe interview space can also be problematic in a prison environment. Whitely (2013) and Quadrelli

(2003) discussed the importance of creating a non-threatening safe atmosphere in which to undertake interviews - allowing wherever possible for the participants to direct the interview. Interviews were rescheduled if a suitable environment was not available.

No two methodologies used the same 'recruitment' and communication processes, reflecting the differences between prison structure and administration, jurisdictions, the researcher's methods and their established affiliations and networks (enabling gatekeeper factors) in accessing the women prisoners. For example FitzRoy (2005:76) asked participants to identify workers in the prison they believed were trustworthy, using them to "transfer messages on my behalf". FitzRoy (2005:75) also offered to return transcripts for participants' clarification, with some women opting to keep copies of their final transcript. In contrast, Quadrelli (2003) found overwhelmingly that participants did not find their environment secure enough to keep a copy for themselves.

Both Barry (2008) and Quadrelli (2003) relied upon word of mouth among inmates: "they assumed some responsibility for this by informing their friends (in prison) about me, who in turn sought me out and asked if they too could share their stories" (Barry 2008:86). Quadrelli (2003) distributed research information via the corrections mail system; word of mouth also occurred once the researcher's credibility among interviewees was established, culminating in 60 interviews. However, Whitely (2013) relied on prison staff to distribute invites and felt that this approach could have impacted on a low response rate. The double edged sword of corrections staff suggesting potential participants entails both enabling and disabling gate-keeping factors. In Quadrelli's research, staff suggested a number of 'girls who would be helpful' – this group were model prisoners. However, her method included addressing all women prisoners, regardless of their offence type or 'behaviour'. She noted, "for a number of reasons, I was never able to access certain 'bad girls'" (Quadrelli 2003: 78).

Quadrelli (2003) acknowledged that gatekeepers want the researcher present when things are normal (and absent when they are troublesome) and to be directed away from the sensitive issues (Hammersley & Atkinson 1983 in Quadrelli 2003: 76; see also Noak & Wincup 2004). Within the prison context there are also health and safety and legal issues to consider. During Quadrelli's data collection phase, there were two escapes and one attempted escape from Brisbane Women's Correctional Centre, self-harming incidents and drug overdoses. Escapes from the men's prisons also held ramifications for access to the BWCC. These unpredictable incidents hindered access to the inmates considerably, with the prison going into lockdown mode (Quadrelli 2003).

Feminist methodologies emphasise the utility of reflexivity (Whitely 2013). Reflexive methods such as journal writing assisted many researchers with identifying and clarifying ethical tensions, particularly Barry (2008) and Quadrelli (2003), both ethnography-influenced projects (see also Whitely 2013). Reflexivity further locates the self in prison research, providing rich and valuable discussion around personal values, gate-keeping issues, and coping strategies – and acknowledges the impact of the research process on the researcher. For example, Kirkwood 2000:76 reflected

...the material I am researching is disturbing, particularly the tragic circumstances, the death and the sadness at times I have experienced some negative consequences of this research ... nightmares, a phobia about leaving a file out of filing cabinets at night, and days when I could not look people in the street without imagining they had killed someone and under what circumstances they did it. ... while some might think it problematic to become so involved in a research project, ... research is a means to personal and political development and not purely a theoretical exercise (Kirkwood 2000:77).

FitzRoy (2005:77) identified the psychological impact of interviewing in a prison environment, stating "a couple of times during the interviews I found my capacity to listen and respond to women was negatively influenced by my emotional response to their words". Her strategy was to engage with "regular debriefing in a personalised way (not theoretical)" (FitzRoy 2005:76).

Barry (2008:4) also identified the need for counselling as she unpacked "the personal toll of navigating penal mechanisms throughout its (garden project) implementation", citing one example where

despite complying with the usual security procedures, I encountered conflicting requests from the security officer on duty. My questioning response to these unfamiliar requests resulted in being ordered to stand spreadeagled while the officer slowly and deliberately traced the perimeter of my body with a baton-like instrument. Those familiar with penal environments may consider this procedure to be a mere inconvenience, yet the command to stand spreadeagled appeared to serve no purpose other than to appease an officer's sense of power. Although I proceeded to conduct the scheduled garden project session, this experience emitted such strong feelings of violation that I needed to debrief with colleagues after exiting the RCCW. While various other encounters with security procedures were conflicting and sometimes confusing, this encounter was unique in the sense of violation it wrought upon my person. Moments of insight and empathy conflicted with occasional feelings of enmity toward female inmates. Although I consciously attempted to suppress feelings of annovance, frustration and impatience toward inmates, I nevertheless encountered these feelings from time to time throughout the field-work period (Barry 2008:4).

Like Quadrelli (2003), Barry (2008) observed the prisoner/prison staff dynamics, where staff "alternatively demonstrated an apparent lack of empathy for inmates, or surprised me with their ability to offer support to

inmates beyond their assigned roles" (Barry 2008: 5). Using reflexive techniques assisted these researchers in dealing with such conflicts, part of the 'messiness' of qualitative field work. Indeed Barry made an excellent point regarding the complexities of the data generated and the initial temptation "to present a clean and neatly descriptive overview of the data analysis processes" and the paucity of literature focussing on "explicit and clear processes of analysis that accommodates messiness" (Barry 2008:111).

In addition to Israel and Hay's (2012: 508-511) advice on negotiating and planning for ethics approval, which includes: finding out how your local research ethics works; responding to committee's questions in a simple and straightforward way; educating your committee; talking to your committee; being prepared for delays; adapting your work; and contributing to reform, we offer the following strategies that have emerged from the 20 HDR theses when researching vulnerable groups such as female offenders.

Strategies for the research journey

Contemplating the landscape

- Consider the financial implications regarding your chosen methodological approaches and availability of data (issues such as clarity around costs and whether these will be absorbed by your institution, as well as gatekeeper in-kind support) e.g. Bradfield 2002; D'Arcy 1995.
- Establish key networks, and identify and engage with champions early on e.g. FitzRoy 2005; Flynn 2008; O'Grady 2009.
- Access your Liaison/Subject specialist Librarian for literature search techniques, retrieval and access options.
- Draw on previous HDR methodologies with synergies to your area of interest (specifically their ethics processes and how they engaged with committee feedback, and modify to suit your research design). While all universities adhere to the National Health and Medical Research Council guidelines, the depth and breadth of resources (ie sample Participant Information and Consent (PIC) packs) available to researchers vary significantly from institution to institution. Accessing other institutional HDR appendices relating to PIC; ethics; and committees' ethical correspondence all provide a rich evidence base to inform future HDR researchers, supervisors and ethics committees.
- Rethink your relationship and role regarding ethical governance (process and conduct). Adopt a collaborative and evidence based approach.

Packing the essentials

- Plan ethical clearances across multiple sites take time; be familiar with the expectations of each committee and their timeframes.
- Use a journal as a reflexive method to clarify ethical tensions (around both process and conduct) e.g Barry 2008; Quadrelli 2003; Whitely 2013.
- Adopt an evidence-based approach to inform the ethics process.
- Build into research a design debriefing strategy (counselling options for both participants and researchers).
- Get the language right (this differs from context to context, and across committees)
- Risk management: accessing vulnerable populations and associated records is messy. Once approval is granted, be prepared for unexpected changes (staff, government, management and participants).
- Include discussion around the ethics journey and documents developed (where there are no conflicting confidentiality issues).

Sharing the journey (trip advisor)

- Educate your ethics committees. Not all ethics committees have experience in all aspects of qualitative research design.
- Detail the ethics and gate-keeping experiences.
- When possible, make your work open access.
- Be strategic in your use of keywords for effective dissemination of your work.

Concluding comments

By exploring a range of feminist methodologies underpinning 20 Australian HDR theses, this paper has sought to i) Identify gate-keeping tensions experienced by researchers undertaking high-risk research in the area of female offending; ii) Develop strategies to assist potential HDR students and researchers and leading to a community of practice; and iii) contribute to discussion on ethics and the negotiation of gate-keeping issues. These feminist researchers have negotiated layers of gate-keeping, both enabling and disabling, in their journeys to achieve their HDR goals. The effect of gate-keeping can be further compounded by varying levels of researcher experience in qualitative fieldwork and an absence of a methodological community of practice. This paper demonstrates through its discussion and

strategies the effectiveness of feminist methodologies when researching the area of female offending.

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i Trove database is a repository for digital copies of these from Australian universities and other Australian research institutions. Trove includes the full back catalogue of the former Australian digital Theses service and other research materials from the former Australian Research Online. Trove is provided by the National Library of Australia.

ⁱⁱA recent Thomson Reuters industry report (2013: 3) also notes "the growing amount of research data 'a virtual reservoir' stored in "various formats in disparate repositories across the globe".

iii Nine of the theses did not use a feminist framework, and a further eight could not be accessed without purchasing a copy from the relevant institution with an approximate turnaround time of 10 weeks

iv Queensland University of Technology (4 HDRs); Griffith University (2 HDRs); University of South Australia (2 HDRs); University of Adelaide (1 HDR); University of Melbourne (2 HDRs); Murdoch University (1 HDR); Monash University (3 HDRs); Royal Melbourne Institute of Technology (1 HDR); La Trobe University (1 HDR); Macquarie University (1 HDR); University of Tasmania (1 HDR); University of Western Sydney (1 HDR).

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V.2008 In through the out door: women and prison release in New South Wales, Australia, PhD thesis, Macquarie University; Farrell, R. (1997) Dangerous women: constructions of female criminality in Western Australia 1915-1945, PhD thesis, Murdoch University, Perth; Gurtner, S. (2002) An analysis of the appropriateness of community-based orders for women appearing in the Brisbane Magistrates Court 1998-1999, Masters thesis, Queensland University of Technology; Hunt, E. (1998) Waiting to be heard: a discussion of feminism, criminology and Aboriginal women offenders, Masters thesis, University of Melbourne; Kirkwood, D. (2000) Women who kill: a study of female perpetrated homicide in Victoria between 1985 and 1995, PhD thesis, Monash University, Melbourne; Mills, R. (1997) In Public Places: The trials of Aileen Wuornos and Tracey Wigginton PhD thesis, Griffith University, Brisbane; Mouzos, J. (2003) When women kill: an exploration of scenarios of lethal self-help in Australia 1989-2000, PhD thesis, University of Melbourne; Robertson-Stainsby, D. (2011) The tales we tell: exploring the legal stories of Queensland women who kill, PhD thesis, Queensland University of Technology, Brisbane; Walker, R. 2001 Anger and women prisoners, Masters thesis, University of South Australia, Adelaide.

^{vi} As of July 2013 the Court Reporting Bureau has outsourced transcript management to Auscript, with a fee for service incurred by the requestor and no free access to 'read only' court transcripts.

^{vii} Barry, L. M. (2008) A journey through the prison garden: weeds in the warehouse, PhD thesis, University of Western Sydney, Sydney; D'Arcy, M. R. (1995) Women in Prison: women's explanations of offending behavior and implications for policy. PhD thesis, La Trobe University, Melbourne; FitzRoy, L. (2005) 'Violent women'?: An explorative study of women's use of violence, PhD thesis, RMIT, Melbourne; Flynn, C. (2008) Waiting for mum: the impact of maternal incarceration on adolescent children, PhD thesis, Monash University, Melbourne; O'Grady, L. (2009) The therapeutic potential of creating and performing music with women in prison: A qualitative case study, PhD thesis, University of Melbourne, Melbourne; Marchetti, E. (2005) Missing subject : women and gender in the Royal Commission into aboriginal deaths in custody. PhD thesis, Griffith University; Pinnuck, F. 1999 Penetrating the fences: a gender analysis of the prison, PhD thesis, University of Adelaide; Quadrelli, C. (2003) Aberrance, agency and social constructions of women as offenders: Women's experiences of the Queensland criminal justice system, PhD thesis, Queensland University of Technology, Brisbane; Walsh, T. 2006 Women who kill: an examination of women convicted of murder and manslaughter in Victoria between 1991 and 2000, Masters thesis, Monash University.

^{viii} Four provided ethical approvals, five provided detailed ethics discussion; five provided their full Participant Information and Consent information; and two provided detailed case notes and de-identified transcripts.