Breaking the Silence:
Restorative Justice and Child Sexual Abuse

A Thesis Presented In Partial Fulfilment Of The Requirements
For The Degree
Of
Doctor of Philosophy
In
Social Policy

At Massey University, Albany,
New Zealand.

Shirley Jean Jülich (nee Dawson)
2001
Abstract

This research investigated the relationship between justice and child sexual abuse from the perspective of adult survivors. Utilising participant observation, unstructured interviews and focus groups within a feminist framework, 21 adult survivors of child sexual abuse (18 women and 3 men) were consulted to identify issues that were problematic for them. In addition, 2 jurors, 1 judge and 2 counsellors were interviewed.

The findings indicated that child sexual abuse has been shrouded by a conspiracy of silence, caused partly by deeply entrenched structures within society. These forces combined with the complexity of recovery, including the possible impacts of Stockholm Syndrome, and the perceived inability of the criminal justice system to meet their needs, have appeared to silence many survivors of child sexual abuse. A review of the economic consequences and an analysis of the subsequent costs of child sexual abuse have indicated the need to implement programmes that would lessen the burden for victims, offenders, their families and the broader society. Survivors cautiously suggested that restorative justice might be sufficiently flexible to encourage victims of child sexual abuse to criminally report, thereby breaking the silence. A cost benefit analysis of a restorative justice programme indicated that significant savings could be made and highlighted that the prevention of child sexual abuse should be a priority.

The findings of this research would have implications for policy makers and all those who provide services to victims and offenders of child sexual abuse. Stockholm Syndrome has highlighted the complexity of the recovery process for victims of child sexual abuse. This syndrome combined with the concerns of adult survivors of child sexual abuse would have implications for practitioners within the traditional criminal justice system and the restorative justice movement. Finally, the costs of child sexual abuse in New Zealand would have implications for justice agencies, health agencies, social welfare organisations and the Accident Compensation Corporation of New Zealand.
Acknowledgements

Firstly, I wish to thank the adult survivors of child sexual abuse who so generously contributed to this research. This thesis would not have been possible without their participation. Thank you for honouring me with your stories and your trust. I am truly humbled.

Over the years I have received much support from a number of organisations and a variety of very skilled people. I have been most fortunate to have excellent supervisors. Dr Marilyn Waring, my chief supervisor, has guided me through all phases of this project. Her confidence in my abilities kept me going when my own confidence was lacking. When I was unable to start writing she found the way to get me started. When I lost my way, she encouraged me to trust the writing process. The thoughtful and insightful critiques of my writing by Dr Warwick Tie were invaluable to the process of shaping my work into a coherent thesis. Both Marilyn and Warwick have given generously of their time and have provided me with an environment within which I could work through the various challenges a project such as this inevitably presents. Thank you.

A number of people took time from their busy schedules to read drafts providing me with invaluable feedback. Thank you to Dame Anne Ballin, Gaye Greenwood, Dr Hilary Lapsley, Judge McElrea, John Raven, Ruth Ruka and Kay Switzer. Thanks also to Peter McGhee, James Prescott and Greg Sibthorpe for checking the costing analysis and the cost benefit analysis. A number of friends provided emotional support as I attempted to juggle my time between family, writing, and working. Thank you to Anne, Carmel, Janice, Jean, Lorain and Maureen for being there when I needed you most. Thank you also for persisting with our friendship when at times I was remiss.

A project such as this typically demands that sacrifices must be made. My family shared that burden as they shared me with the thesis. My husband, Horry, and my sons, Craig and Vernon, tolerated my frequent absentmindedness and acquired some superb cooking skills over the years. Also sharing this burden were my brother,
David, and my father, Vern. Thanks guys for listening, for encouraging, for understanding and for loving me even when I was tired and fractious.

Finally, I would like to gratefully acknowledge the support I have received from a Massey University Doctoral Scholarship, the Massey Graduate Research Fund, the Auckland Medical Aid Trust and the Auckland University of Technology.
For my parents
Vernon Arthur and Jean Hughes Dawson
Who taught me about justice

For my husband,
Horry
My sons, Craig and Vernon
And my brother,
David
Without whose support the silence might never have been broken

I am saddened that my mother did not live to see this project finished
and experience the thrill of bragging about it to her friends.
# Table of Contents

**Part One: History, Theory and Literature**

<table>
<thead>
<tr>
<th>Chapter 1: Definitions and Concepts</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>The Law and Child Sexual Abuse</td>
<td>6</td>
</tr>
<tr>
<td>Concepts of Justice</td>
<td>8</td>
</tr>
<tr>
<td>Equality</td>
<td>11</td>
</tr>
<tr>
<td>Rethinking Justice</td>
<td>14</td>
</tr>
<tr>
<td>The Perpetrators of Child Sexual Abuse</td>
<td>17</td>
</tr>
<tr>
<td>Defining a Child</td>
<td>18</td>
</tr>
<tr>
<td>Motivation for Offending</td>
<td>19</td>
</tr>
<tr>
<td>Victims or Survivors</td>
<td>21</td>
</tr>
<tr>
<td>Defining Child Sexual Abuse</td>
<td>27</td>
</tr>
<tr>
<td>Themes and Issues in Definitions</td>
<td>29</td>
</tr>
<tr>
<td>A Review of Common Definitions</td>
<td>31</td>
</tr>
<tr>
<td>Feminist Definitions</td>
<td>34</td>
</tr>
<tr>
<td>Conclusion</td>
<td>37</td>
</tr>
</tbody>
</table>

**Chapter 2: An Historical and Theoretical Perspective**

<table>
<thead>
<tr>
<th>Introduction</th>
<th>39</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Historical Perspective</td>
<td>39</td>
</tr>
<tr>
<td>Pre-Fifteenth Century</td>
<td>39</td>
</tr>
<tr>
<td>The Fifteenth to the Eighteenth Centuries</td>
<td>41</td>
</tr>
<tr>
<td>The Nineteenth Century</td>
<td>42</td>
</tr>
<tr>
<td>Early Twentieth Century</td>
<td>46</td>
</tr>
<tr>
<td>Late Twentieth Century</td>
<td>47</td>
</tr>
<tr>
<td>Explanations for Child Sexual Abuse</td>
<td>53</td>
</tr>
<tr>
<td>Psychoanalysis</td>
<td>53</td>
</tr>
<tr>
<td>Libertarianism</td>
<td>56</td>
</tr>
<tr>
<td>Family Dysfunction</td>
<td>57</td>
</tr>
<tr>
<td>Subcultures and Cycles</td>
<td>58</td>
</tr>
<tr>
<td>Mother Blaming</td>
<td>60</td>
</tr>
<tr>
<td>A Model for Child Sexual abuse</td>
<td>63</td>
</tr>
<tr>
<td>Chapter 6: The Stockholm Syndrome .................................................. 169</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Introduction ....................................................................................... 169</td>
<td></td>
</tr>
<tr>
<td>Classic Stockholm Syndrome ................................................................... 170</td>
<td></td>
</tr>
<tr>
<td>Graham’s Stockholm Syndrome Theory .................................................. 178</td>
<td></td>
</tr>
<tr>
<td>Graham’s Hypothesised Precursors ....................................................... 179</td>
<td></td>
</tr>
<tr>
<td>Perceived Threat to Survival .................................................................. 180</td>
<td></td>
</tr>
<tr>
<td>Perceived Kindness ............................................................................... 183</td>
<td></td>
</tr>
<tr>
<td>Isolation ............................................................................................... 184</td>
<td></td>
</tr>
<tr>
<td>Perceived Inability to Escape ................................................................ 186</td>
<td></td>
</tr>
<tr>
<td>Psychodynamics underlying Stockholm Syndrome .................................... 188</td>
<td></td>
</tr>
<tr>
<td>Major Indicators of Stockholm Syndrome .............................................. 191</td>
<td></td>
</tr>
<tr>
<td>Cognitive Distortions ............................................................................ 192</td>
<td></td>
</tr>
<tr>
<td>Conclusion ............................................................................................ 199</td>
<td></td>
</tr>
<tr>
<td>Chapter 7: Recovery ............................................................................... 201</td>
<td></td>
</tr>
<tr>
<td>Introduction ......................................................................................... 201</td>
<td></td>
</tr>
<tr>
<td>Responses to Trauma ............................................................................. 202</td>
<td></td>
</tr>
<tr>
<td>A Victim’s Response to Crime ................................................................ 204</td>
<td></td>
</tr>
<tr>
<td>A Model for Recovery ............................................................................ 207</td>
<td></td>
</tr>
<tr>
<td>Bystanders and Outsiders ...................................................................... 211</td>
<td></td>
</tr>
<tr>
<td>A Framework for Recovery: Child Sexual Abuse ..................................... 212</td>
<td></td>
</tr>
<tr>
<td>The Needs of Adult Survivors ................................................................ 217</td>
<td></td>
</tr>
<tr>
<td>Survivors on Confronting the Offender ................................................ 217</td>
<td></td>
</tr>
</tbody>
</table>
Financial Assistance ................................................................. 222
Information ........................................................................ 225
Conclusion ........................................................................... 227

Chapter 8: Adult Survivors and Justice ................................... 229
Introduction ........................................................................... 229
Survivors on Criminal reporting ........................................... 230
Survivors on Court Proceedings ............................................ 235
Understandings of Justice ..................................................... 244
An Alternative Structure ...................................................... 249
Concerns of Adult Survivors ............................................... 252
Conclusion ........................................................................... 256

Part Three: Policy Implications ............................................. 259

Chapter 9: Restorative Justice ............................................... 261
Introduction ........................................................................... 261
Restorative Justice in New Zealand ....................................... 262
Restorative Justice and Child Sexual Abuse ......................... 264
The Involvement of Victims .................................................. 266
Negotiation of a Community Response ................................. 267
The Transfer of Power to the Community ............................... 269
Voluntary Participation .......................................................... 271
Neutrality and Impartiality ..................................................... 274
Confidentiality .................................................................... 276
Safeguards .......................................................................... 277
Conclusion ........................................................................... 280

Chapter 10: An Integrated Model for Justice .......................... 281
Introduction ........................................................................... 281
An Integrated Model for Historical Child Sexual Abuse ....... 282
Option Two: Criminal Justice with Access to Restorative Justice ........................ 284
Hollow Water ..................................................................... 288
Option Three: A Restorative Justice Programme for Aotearoa New Zealand ....... 290
A Framework for An Integrated Model for Justice ................. 294
Voluntary Participation .......................................................... 296
Neutrality and Impartiality ..................................................... 296
Confidentiality .......................................................................................................................... 297
Measurements and Safeguards ................................................................................................. 297
Equality and Justice .................................................................................................................. 299
Conclusions .............................................................................................................................. 299

Chapter 11: Estimating the Costs of Child Sexual Abuse in New Zealand .................................. 301
Introduction ............................................................................................................................. 301
Determining the Costs .............................................................................................................. 302
Costs to Individuals .................................................................................................................. 305
Government Cost of Healthcare ............................................................................................... 311
Government Cost of Welfare .................................................................................................... 314
Government Cost of Family Court ......................................................................................... 317
Government Cost of Law Enforcement .................................................................................... 318
Costs to Others ......................................................................................................................... 319
Estimation of Revictimisation Costs ....................................................................................... 320
Loss of Quality of Life ............................................................................................................... 320
The Costs of Child Sexual Abuse in New Zealand ................................................................... 322
Conclusion ................................................................................................................................ 323

Chapter 12: A Cost Benefit Analysis .......................................................................................... 325
Introduction ............................................................................................................................. 325
The Time Value of Money ......................................................................................................... 326
Underlying Assumptions to the Cost Benefit Analysis ............................................................... 327
Discount Rate of Money ........................................................................................................... 329
Estimated Numbers of Potential Clients .................................................................................. 330
Costs ........................................................................................................................................... 331
Benefits ........................................................................................................................................ 332
Results of the Cost Benefit Analysis ......................................................................................... 337
Conclusions ................................................................................................................................ 340

Chapter 13: Conclusions ........................................................................................................... 343
Introduction ............................................................................................................................. 343
Summary of the Thesis .............................................................................................................. 343
Implications of Stockholm Syndrome ....................................................................................... 349
Implications for Restorative Justice ......................................................................................... 351
The Implications for Practitioners of Restorative Justice ......................................................... 351
Training for Restorative Justice Practitioners ......................................................................... 354
List of Figures

Figure 14.1: Integrated Model for Child Sexual Abuse ........................................... 283
Figure 14.2: Option Two – Traditional Criminal Justice with access to Restorative Justice ................................................................................................. 286
Figure 14.3: Community Holistic Circle Healing – The Process ............................ 289
Figure 14.4: Framework for the Internal Structure of an Integrated Model for Justice .......................................................................................................................... 295

List of Tables

Table 3.i: Rates for Disclosure and Criminal Reporting ........................................... 96
Table 3.ii: Reasons For Non-Disclosure .................................................................... 97
Table 4.i: Comparison of the Amount of Education Acquired by Child Sexual Abuse Victims and Other Women ................................................................. 106
Table 4.ii: Association Between CSA and Occupation Status: Results of Five 2 X 4 Chi Square Analyses ........................................................................................ 107
Table 4.iii: Association Between the Experience of Child Sexual Abuse and a Woman’s Annual Earnings ................................................................. 108
Table 4.iv: Cost Categories ..................................................................................... 113
Table 4.v: Economic Costs of Family Violence for 1993/94 in New Zealand ...... 123
Table 4.vi: The Annual Costs of Three Forms of Violence Over Four Policy Areas .......................................................................................................................... 127
Table 6.i: Paradoxes That Are Stockholm Syndrome ............................................. 173
Table 6.ii: Cognitive Distortions of Stockholm Syndrome Victims ......................... 193
Table 11.i: Sexual Abuse as a Percentage of all Abuse ......................................... 316
Table 11.ii: The Partial Estimated Annual Costs of Child Sexual Abuse in New Zealand ........................................................................................................ 322
Table 11.iii: The Estimated Annual Costs of Child Sexual Abuse in NZ ................ 323
Table ii.i: Total Costs to Individuals – Family Violence ......................................... 389
Table ii.ii: Government Costs of Healthcare – Family Violence .............................. 390
Table ii.iii: Government Costs of Welfare – Family Violence ................................. 391
Table ii.iv: Government Costs of Family Court – Family Violence ......................... 392
Table ii.v: Government Costs of Law Enforcement – Family Violence .................. 393
Table ii.vi: Costs to Others – Family Violence .......................................................... 393