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**Breaking the Silence:
Restorative Justice and Child Sexual Abuse**

A Thesis Presented In Partial Fulfilment Of The Requirements

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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.

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*For my parents
Vernon Arthur and Jean Hughes Dawson
Who taught me about justice*

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*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.*

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Part One:
History, Theory and Literature

Chapter 1

Definitions and Concepts

Introduction

The traditional criminal justice system has attempted to avenge victims and society by meting out punishment. It has been assumed that such vengeance would provide a sense of justice for victims. There has been an emerging recognition that the traditional criminal justice system has not met the needs of victims despite the introduction of legislation that has attempted to give them more rights. In its efforts to protect offenders from abuse of process, the criminal justice system has created a structure that at times has only served to revictimise those persons harmed by criminal activity. Consider the following scenario¹.

Paula and her uncle had a special relationship. Throughout her childhood, he gave her pocket money and special treats. He flattered her, told her she was pretty and that he loved her the most of all. He was in his thirties, married with children of his own, had a good job and was well respected by his family and friends. Paula and her uncle had a secret. Regularly he “touched” her and had her “touch” him in ways that were inappropriate, although Paula did not understand this at the time – she was only 5 or 6 when it started. He showed her pictures of adult men and women in poses Paula could not understand. He taught her words that her parents would have punished her for using. He told her that all men did these things with little girls, they needed to and that Paula’s father would be doing the same with other little girls. He told her that if the police found out, they would all be in big trouble. Paula would end up in an orphanage and he and her father would end up in prison. She became excellent at keeping the secret and grew up with the enormous responsibility of keeping everybody safe.

¹ This scenario was a true story but for legal reasons no further identification could be provided.

Even in early adulthood, the relationship between Paula and her uncle was sufficiently complex that she felt unable to disclose. She always felt second best and in some way responsible for the abuse. Years later, with the support of her parents, Paula told the police. She wanted the injustice of her victimisation acknowledged and to ensure that other children within the family were protected from her uncle. Immediately, the extended family system polarised into supporters of the victim and supporters of the offender. Members of her uncle's family told Paula she was victimising her uncle and his family and trying to destroy their good family name. They tried to discredit her story.

There were many hearings in the District Court over the next year. One hearing blurred into another and she had little understanding of their purpose. Name suppression was applied to her name and her uncle's. She had not requested name suppression, neither was she consulted. Yet it was granted at the request of her uncle's lawyer to apparently protect her, even though their surnames were different. At one of the court appearances she was told that her uncle would plead not guilty. His lawyer had made application to have the case moved to the High Court where he intended to enter an abuse of process argument. If this were not successful he would plead guilty. This hearing resulted in a stay of proceedings. The case was considered too old for the offender to mount an adequate defence. Paula's family remains fractured and polarised, and Paula continues to cope with the aftermath of child sexual abuse.

Paula did not see justice served. Her experience of the criminal justice system did not contribute to any sense of equality. The rights of her uncle appeared to be more important than her rights, not only from the perspective of the criminal justice system but also from the perspective of her uncle's family.

This is child sexual abuse.

This thesis has investigated the relationship between justice and child sexual abuse. To better understand this relationship, I have consulted with adult survivors of child sexual abuse. The results of this investigation have been presented in three parts. Part 1 of this thesis has engaged with the literature. Despite the emerging body of

literature on the sexual abuse of children, most has referenced the same authorities. I make no apology for in depth reporting of these accepted authorities. A theoretical analysis of child sexual abuse has provided a context within which the prevalence of child sexual abuse and the resultant economic costs and consequences could be determined. By the end of Part 1 the reader will be familiar with the main issues confronting researchers as they have attempted to define child sexual abuse and explain its occurrence. This discussion will highlight that such theorising has impacted on victims in that they have shaped their perceptions in keeping with the “realities” identified by researchers. This has had significant implications for understandings about the incidence and prevalence of child sexual abuse. Finally, the reader will have an understanding of the economic impacts child sexual abuse has had on victims, their families and the broader society.

Part 2 has commenced with a description of the various methods I have used to consult with survivors of child sexual abuse and has continued with an analysis of the responses of child sexual abuse survivors. This analysis has investigated the powerful bi-directional relationship of Stockholm Syndrome and has explored the implications this syndrome could have for the recovery processes of child sexual abuse victims. By the end of Part 2 the reader will have an understanding as to the reluctance of child sexual abuse victims to criminally report and the inability of traditional criminal justice agencies to meet their needs.

The concluding section of this thesis, Part 3, has identified implications the findings could have for social policy. This section has commenced with an analysis of restorative justice from the perspective of adult survivors of child sexual abuse and has demonstrated that their needs could be met by adopting an integrated approach to historical child sexual abuse. I have continued by exploring the estimated costs of child sexual abuse in New Zealand to enable a cost benefit analysis of a proposed programme. I have concluded by exploring other possible policy initiatives that could minimise the consequences of child sexual abuse in New Zealand and potential areas for future research.

In the remainder of this introductory chapter I have explored concepts of justice and equality and have continued by clarifying my use of terms that have described the

parties, commencing with the perpetrator of child sexual abuse. I have discussed definitions of a child and their relationship to motivation for offending. The discussion has continued with determining the differences between victims and survivors and has clarified my use of these terms. I have concluded with a review of the common definitions found in the literature. Before justice could be pursued through criminal justice agencies, a crime, which has been defined in law, must first be committed. Therefore I will commence this discussion by briefly outlining the law as it currently relates to child sexual abuse in New Zealand.

The Law and Child Sexual Abuse

This legislative framework has sought to avenge victims of child sexual abuse, to punish those offenders found guilty, and to act as a deterrent against the sexual abuse of children. It has been assumed that the adversarial processes of the criminal justice system would provide victims with an experience of justice. The validity of that assumption is, however, highly contestable.

The New Zealand Crimes Act 1961 and its subsequent amendments have provided the description of all defined crimes and associated prescriptions of maximum and minimum sentences. Sections 127 to 144 inclusive, have related specifically to sexual crimes. Within these sections, sexual relationships with male and female children under the age of 16 have been defined as crimes, punishable by imprisonment for no longer than 10 years if the child was under 12, and for no longer than 7 years if the child was over 12 but under 16. Section 128B has defined sexual violation as punishable by imprisonment for a term not exceeding 20 years, but has not defined the age of the victim. The various sections have described the offender as male, in all but one, Section 139, which has allowed for an indecent act by a woman on a girl under the age of 16. An indecent act by a woman on a boy has not yet been defined (Newbold, 2000:67)². Although some inconsistencies have persisted in the

² Personal Communication with Dr Greg Newbold, Canterbury University, July 5 2001, has confirmed that this particular category, (although it has been recently discussed in Parliament), has yet to be defined. He noted that successful convictions of female offending against boys have been made under other sections of the Act. In these cases it was argued that the child was unable to give informed consent.

legislation, sexual crimes have been categorised as violent offences, which have a higher seriousness rating than other crimes (Spier, 1995:26). Section 10B has stipulated the period of limitation as ten years if the offence has been punishable by a fine not exceeding \$2,000 or a maximum term of imprisonment which was less than 3 years. Although the period of limitation has not been an impediment to charges of child sexual abuse, Section 10A has ensured that unreported offenders have not been disadvantaged by changes to legislation: criminal enactments could not have a retrospective effect. Historical offences not protected by a period of limitation have been processed under the legislation in effect at the time of the offence.

The Evidence Amendment Act 1985 has limited the evidence that has been permissible in court. Previously the victim could be intimidated, moving the thrust of the trial away from the accused and in a sense putting the victim on trial as opposed to the accused (Wilson et al., 1982). Further, this Act has enabled judges to advise juries that there could be good reasons inhibiting victims to refrain from, or delay in, making complaints under Sections 128 to 144 of the Crimes Act 1961. The Criminal Justice Act 1985 and its subsequent amendments have covered all aspects of a convicted offender's progression through the criminal justice system: sentencing, punishment, appeal, rehabilitation, release and parole. This Act has provided for the rehabilitation of child sex abusers in the Kia Marama and Te Piriti programmes available to inmates in the New Zealand Prison system. This was the first Act to emphasise the notion that whenever possible the offender should compensate the victim for loss or damage of property. An amendment in 1987 expanded this notion to include reparation for emotional harm (Galaway and Spier, 1992:3). The Victims of Offences Act 1987 introduced a new range of measures to assist victims, giving them valuable legal rights: the right to be treated with courtesy, compassion and respect for personal dignity and privacy by all officials (Ludbrook, 1991:56). The Children, Young Persons and Their Families Act 1989, has empowered government agencies to provide for the care and treatment of child victims who have been sexually abused. Subsequent amendments to this Act have allowed for education and intervention programmes aimed at reducing levels of child abuse, which have included the sexual abuse of children. There has been no specific legislation aimed at the unique circumstances of adult victims who have criminally reported historical child sexual abuse.

Despite the existence of a legislative framework, adult victims of child sexual abuse have appeared reluctant to pursue justice through the criminal justice system: an issue that I have addressed later in this thesis.

Concepts of Justice

Victims, offenders and society in general have tended to define justice according to their needs. The resultant expectations of justice have contributed to the inability of the legislative framework to meet the needs of adult victims of child sexual abuse. Justice has proven difficult to define and attempts have been traced back to the era of the ancient philosophers.

In Homeric Greece there was little distinction between the concepts of revenge and justice. Plato's Socrates introduced the notion that repaying evil with evil was not just, and although the Hebrew Bible described a "vengeful God", advocating that revenge should be limited to "an eye for an eye", the New Testament advocated forgiveness and reserved vengeance for a loving God (Honderich, 1995:772). However, Aristotle's thinking created the framework we have tended to use for discussing justice and provided the two distinctions of distributive justice and corrective justice (Abercrombie et al., 1988:129; Honderich, 1995:166). Closely related to these have been two further categories of justice: retributive and commutative justice (Fletcher, 1996:80).

Distributive justice incorporated the distribution of all things good and bad within a society and corrective justice incorporated the intervention, or corrective component, that addressed any imbalance of this distribution and any inequalities that might arise (Fletcher, 1996:80). Justice was achieved by "...returning the parties to the equality that prevailed prior to the accident or harmful incident" (Fletcher, 1996:89). Commutative justice, or justice in exchange, has governed those activities relating to trading, the voluntary exchange of goods (Fletcher, 1996:90). Retributive justice has been the intentional punishment of a person (or entity) who committed a wrongdoing, by a person (or an entity) with the authority to carry out such an act (Fletcher, 1996:80). Although this concept might appear to be at the core of corrective justice, Aristotle defined correction as either compensation for violations

of contract, a state which both parties had entered voluntarily, or compensation for violations of tort in which the wronged party had no voluntary action (Honderich, 1995:166). He further noted that “[J]ustice in transactions between man and man is a sort of equality indeed and injustice a sort of inequality.... [Therefore] the judge tries to equalise things by means of the penalty, taking away from the gain of the assailant.” (Aristotle, *The Nicomachean Ethics* p 1132a (D. Ross trans., 1925) cited in Fletcher, 1996:88).

The concepts of contract law and the law of tort, corrective justice, have formed the basis of civil law while concepts of retributive justice have formed the basis of western criminal justice systems. The categories of distributive and corrective justice have not been mutually exclusive as there has been a distributive component to both compensation delivered through the civil system, and punishment delivered through the criminal justice system. All those actions implemented by both civil and criminal justice systems to restore equality, such as compensation, and punishment such as fines, imprisonment and the death penalty, have generally been seen as the responsibility of the state (Fletcher, 1996:80). While these four forms of justice – distributive, corrective, retributive and commutative – have spoken to the result they have been substantive as opposed to procedural. They have not described the process of achieving the results: procedural justice or the system of rules that have governed the way interventions have attempted to restore resultant inequality (Fletcher, 1996:81). Neither have they accounted for any pre-existing inequality.

Central to procedural justice have been the concepts of equality and the sense of fairness in the manner in which equality has been restored. Philosophers such as Immanuel Kant and Georg Hegel of the Age of Enlightenment or the Age of Reason³, advocated that retribution should not only determine who should be punished, but also should determine desert or the extent of punishment a guilty person deserved, and the rationale that would underpin a system of punishment (Honderich, 1995:732). Kant, a leading philosopher on retribution, also emphasised the importance of equality in the treatment of offenders. He believed that it was

³ The Age of Enlightenment began in England in the seventeenth century and was developed in France and Germany through the eighteenth century (Honderich, 1995:236-237).

unjust to punish on a lesser scale those who were willing to co-operate with the state (Fletcher, 1996:80). John Rawls, in his influential theory of distributive justice, made the connection between fair procedures and the outcome of the procedures that George Fletcher (1996:82) referred to as substantive justice.

Rawls maintained that if the procedures for choosing the principles of justice were fair the outcomes would be just. He argued that the underlying tenets of justice could best be determined from the imaginary, original position of equality or from behind a veil of ignorance (Honderich, 1995:745). We would not know our race, sex, religion, wealth or talents, and this would enforce us to account equally for the interests of all, thereby ensuring fairness for everyone in choosing principles of justice (Honderich, 1995:897). Rawls, therefore, would determine justice prior to any knowledge of society, in contrast to Emily Jackson (1993:406) who argued justice had no meaning outside of the particular social context from which it was derived. She further argued that our understandings of justice have been inconsistent, exacerbated by the very different realities experienced by men as opposed to those of women, who have had certain experiences merely because they were women. However, Jackson went on to comment that when the legal order was derived from the sacred texts the notion of a singular or universal understanding of justice was more readily identifiable, and, despite the secularisation of law, the belief in a universal understanding of justice, or substantive justice, has not diminished.

Fletcher similarly believed in an enduring, universal concept of justice that has stood above all cultures, but argued that it was the law which has been rooted in a social context. Substantive justice, whilst it might reflect a variety of perceptions based on personal ideology, culture and gender, has denoted a standard which has been universal, in that it "...applies to all people at all times" (Fletcher, 1996:79). If this were not so, we would not be able to identify or recognise unjust practices within social groups, either historically or currently. Procedural justice, which has been based on law, has been a system of rules attempting to apportion justice based on such values as desert, equality and need. This system could be readily confused with what we might understand as an abstract concept of substantive justice. Although procedural justice has changed over time, influenced by predominant ideologies that have underpinned the policies of various governments, philosophers throughout

history have argued that the concepts of equality and fairness have been integral to both substantive justice and procedural justice.

From the perspective of adult victims of child sexual abuse the legislative framework has not provided an experience of justice that has embodied the concepts of equality and fairness. As equality has appeared so inextricably related to justice I will discuss this now and highlight how this relates to my understanding of justice.

Equality

The criminal justice system has not recognised the complex relationships that have existed between victims of child sexual abuse and those who have offended against them. Furthermore, it has presupposed that victims and offenders have had equal access to justice. Fletcher (1996:122) identified two sources of an historic commitment to equality. The first was in the creation story in Genesis: “And God said Let us make Mankind in our image, after our likeness...” (Genesis 1:26). The second was in the writings of the philosophers identified with the Age of Enlightenment or the Age of Reason. The Aristotelian approach to equality was to treat like persons alike, and unlike persons unlike (Freeman, 1994:1048). It was taken for granted in the days of Aristotle that people in society were not equal. In his writings, Aristotle made it quite clear that in his view people were not equal. More particularly he believed that women were naturally inferior to men (Barnett, 1997:283).

This concept of an assumed inequality was not widely challenged until the Age of Enlightenment. Kant, one of the last writers of this period, argued that “...at the level of ultimate moral value, all human beings [men] are equal” (Fletcher, 1996:122). He maintained that unless we were committed to a supreme value, human life could be outweighed by a finite monetary sum. Furthermore such a value could vary between individuals thereby affirming that human beings were not equal. A common doctrine among the writers of the Enlightenment Era was that “...all men are at all times (and in all places) fundamentally the same in nature” (Honderich, 1995:236). The emergence of this thinking contributed to both the American Revolution (1776) and the French Revolution (1789). It was also evident in the American Declaration of

Independence, which stated: “all men [i.e. people] are created equal” (Fletcher, 1996:121). Yet at the time this document was written, 1776, the writers condoned slavery and the disenfranchisement of women. All people were not equal at this time, neither were all men or all women.

Legally there have been two approaches to equality. The first has been to treat all people the same: the second approach has been to accommodate the differences between people. Those commentators who have supported the equal or same treatment debate, formal or procedural equality, have claimed that emphasising the difference between men and women inferred that women were deviating from the “norm” (Holtmaat, 1989:491). On the other hand those who have supported the different or special treatment debate have argued that true equality was based on the recognition of the differing needs of men and women that have arisen from their different experiences (Barnett, 1997:206). While the equal or same treatment argument and the different or special treatment argument has emphasised gender difference, both arguments have been applied to differences between groups of people. Such groups include the differences between middle class, predominantly white groups and those with different racial or ethnic backgrounds; the differences between adults and children; or the differences between powerful groups and those who have been powerless. The different nature of men and women has been evident not only in the writing of philosophers such as Aristotle and Kant and common in the history of philosophy, but also could be seen as a part of women’s oppression (Honderich, 1995:271).

Gender-neutral treatment, or formal equality, has been adopted in law and was reflected in early “male-centred human rights documents” (Waring, 1996:108). The concept “equality of all before the law” has continued to be the intent of all nineteenth and twentieth century western law (Bianchi, 1994). This was intended to remove discrimination by making it illegal to discriminate on the grounds of gender, ethnicity or age. This formal, or procedural, equality has attempted to create the same position for women that men have always enjoyed (Holtmaat, 1989:485): a position that has been situated in male structures based on male values.

The only women who have benefited from the gender-neutral approach to equality have been those who have approximated the male norm (MacKinnon, 1989:225). Jane Flax (1993:334) noted that “feminists have now begun to question whether equality can ever mean anything other than assimilation to a pre-existing male norm.” When the concept of equality has been discussed it has begged the question “Equal to what?” Riki Holtmaat (1989:487) asked why women have to be equal with men and not the other way round. She pointed out that the direction of change has been towards the male norm. Similarly, Catherine MacKinnon (1989:225) queried why women “...have to be the same as a man to get what a man gets simply because he is one”. She used this point to argue that Aristotle’s understanding of equality, to treat like people alike and unlike people unlike, overlooked the fact that the world was defined by men. Therefore, by working towards equality for all people, supposedly the greatest achievement of any society, if we were using pre-existing male norms we would be saying that women should aspire to be like men. More importantly we would be sending a message that says feminine values and characteristics were not as important or as valuable to society as masculine values and characteristics, and we would be encouraging women to discard these values and assume those that have been valued in men and by men.

“In contrast, true equality requires not just women in men’s institutions, but also that those institutions be replaced by others broad enough to accommodate the full range of human activities” (Scales, 1980/81:428, quoted in Holtmaat, 1989:490-491). This definition of equality, known as substantive equality, not only has required an understanding of those discriminatory structures that have fostered inequality but also that they be eliminated (Waring, 1996:138). Substantive equality has recognised the general social and economic position of women as a cause of their suppression, and the importance of biological and social differences between men and women. These differences have negated women’s abilities and capacities to make the same use of formal rights as men could (Honderich, 1995:271).

“The outcome, not the intention is the point” (Waring, 1996:138). The outcome of formal equality has indicated that equality has not been achieved. Kathleen Daly (1990:11) claimed that all feminists studying the law have acknowledged that formal legal equality did not guarantee substantive equality. She exemplified this claim by

highlighting that gender-neutral standards in divorce settlements and joint custody of children have further disadvantaged some women. While overt structures fostering inequality and discrimination might be removed through law, the covert structures have remained firmly in place. Marilyn Waring (1996:123) argued that it was "...not just a matter of add women and stir".

The challenge has been to ensure equality over difference. "Injustice does not flow directly from recognizing differences; injustice results when those differences are transformed into social and economic deprivation" (Scales, 1986:1396, quoted in Holtmaat, 1989:497). Some feminists have focused on the goal of special rights or have advocated for the development of new frameworks within which substantive equality could be achieved (Daly, 1990:13). Holtmaat (1989:492) argued that special rights for women have maintained the status quo as essentially male. She pointed out that two categories of rights would exist; normal rights for men and women without differentiation, and special rights for women only. Neither of these two categories have accommodated difference. Until such time that a framework has been established which could accommodate difference, substantive equality could remain elusive. Neither would Kant's understanding of equality be realised, an ultimate moral value for all human life that would include men, women, children and people of colour. If substantive equality could not be achieved then neither would substantive justice. Furthermore procedural justice systems, which should reflect the underlying concepts of substantive justice, would not be able to accommodate the differences between people, or groups of people.

In this thesis the definition of equality has been based on Kant's understanding of equality and the feminist understanding of difference, not only the difference which has existed between men and women but also a recognition that there have been vast differences between men and between women. Until justice systems have recognised these differences it could not be claimed that procedural justice has been fair.

Rethinking Justice

More recently, Howard Zehr (1995a) described an alternative paradigm in which a sense of justice could be experienced. Although he did not name it such, the sense of

justice he referred to could be equated to substantive justice: a unitary concept of justice. The paradigm he described was restorative justice. He argued that by addressing the underlying needs of both offenders and victims, rehabilitation for the offender and healing for the survivor in the context of their communities, a sense of justice could be experienced that all parties could perceive as being fair. He acknowledged that justice was commonly assumed to include vengeance but speculated that vengeance could be driven by a denial of justice. According to Zehr, the components of justice should include some sort of public assurance that the accident or harm suffered by the wronged party was wrong, unfair and undeserved. He argued that such an acknowledgement would promote healing and recovery for victims of child sexual abuse.

Tony Marshall (1999:5) defined restorative justice as a set of principles and procedures which orientated the general practice of variance agencies and groups towards a problem solving approach to crime involving the victim, the offender and the community in an active relationship with the statutory agencies. He identified that a commonly accepted international definition of restorative justice was "...a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future". He went on to comment that "restorative justice is not a single academic theory of crime or justice ..." (Marshall, 1999:7), but a set of processes and procedures that have involved the offender, the victim, their families and communities in a flexible and creative problem solving approach to criminal activity. The aims of these programmes have been to meet the needs of victims and their families, enabling offenders to demonstrate responsibility and accountability for their actions. Advocates of restorative justice have argued that restorative processes could minimise recidivism and the resultant costs of criminal activities (Marshall, 1999:6).

Any traditional justice system in any country of the world could purport to have these same aims and objectives. However, victims of crime have not been integral to the system, but neither have offenders. Offenders have only been required to be passive participants. Justice has been "served" to offenders, which has tended to alienate them further from society. Offenders have not been required to repair the damage they have caused; their responsibilities have been only to receive the

punishment meted out to them (Marshall, 1999:6). Neither have they been required to acknowledge, let alone demonstrate accountability for their actions. The evidence has shown that a traditional criminal justice paradigm, with its limited use of intervention to divert offenders, has been unsuccessful in reducing recidivism (Marshall, 1999:6).

Central to restorative justice has been the notion of restoration: restoration of the victim, restoration of the offender to a crime-free life, restoration of the damage caused by the crime to the community (Marshall, 1999:7). Difficulties have emerged when terminology such as rehabilitation or restoration has been used. This could infer that an offender would be rehabilitated to some pre-existing state: a reflection of an Aristotelian approach to justice. Traditionally, rehabilitation has had a restorative focus in that it has aimed to enable a person to regain sufficient skills to reassume their former social role (Moore, 1995:7). However, Zehr (1995a:190) argued that justice could mean transforming relationships so that the victim and the offender were able to co-exist in a shared community as opposed to returning to the status quo. This has introduced the notion that a relationship, which perhaps was based on inequality, could be transformed into a relationship based on equality, thereby protecting the harmed party from further injury or harm. Zehr (1995a: 191) concluded that justice began with meeting the needs of victims, arguing that until these needs have been met justice could not be approximated.

Marshall (1999:6) determined that restorative justice has been based on a set of assumptions that has recognised the social context of crime and the role communities and government agencies could play in remedying those conditions that have caused crime. Further, these assumptions have included the involvement of all parties in partnership with traditional justice agencies within a process that has been sufficiently flexible to respond to individual sets of circumstances. The emphasis of restorative justice on the social context of crime and the resultant relationships have enabled crime to be viewed within a structuralist framework, in contrast to the individual perspective of the traditional criminal justice system. An individual perspective has emphasised the importance of the individual's behaviour and the influence of education, intelligence and values (George & Howards 1991:97). This ideological grouping has included pathological explanations, which have been more

aligned with functional theory (George 1980:12, George & Howards 1991:96), and has centred on arguments that have been quite unrelated to structural factors (George & Howards 1991:98). Conversely, a structural perspective has emphasised the structures within society and their impacts on groups of people within society. This perspective, more aligned with conflict theory, has viewed societies as stratified by class, gender and ethnicity (George & Howards 1991:93). A structuralist framework could enable the effects of victimisation to be anticipated and accommodated. Furthermore, policy analysts could be better equipped to provide and promote general social policy that aimed to minimise the sexual abuse of children.

Restorative justice appealed to me as a researcher. Accordingly, it has been my aim to identify the needs of adult survivors of child sexual abuse as they recover from the victimisation process, and to ascertain their understandings of a sense of justice. In addition, I have aimed to locate victims of child sexual abuse within a framework of procedural justice that has been premised on substantive equality and fairness. Although I have remained committed to a unitary concept of justice, or substantive justice, I have argued that for some victims of historical child sexual abuse this could be achieved within alternative frameworks for procedural justice. At the very least an alternative framework for procedural justice could offer victims a choice and an opportunity to define justice according to their needs.

The terminology used to discuss child sexual abuse has varied across the literature. To avoid any confusion I will now focus on defining the terms that I have used in this thesis and clarify my use of them. I have commenced this discussion with the perpetrator of child sexual abuse to emphasise that before a child could be sexually abused there must be a person with the propensity to offend.

The Perpetrators of Child Sexual Abuse

Many terms have been used throughout the literature to denote the person who has sexually abused a child. These have included perpetrator, molester, abuser, offender and child rapist. At times they have been used interchangeably with little explanation by writers as to their reasons for choosing one term as opposed to another, despite comments on their use of other terminology. Although the individual terms,

perpetrator, molester, abuser and child rapist, have invoked a variety of images, no one term has encompassed the very many realities of those who have been sexually victimised as children. The term offender has denoted the connotation of one who has broken the law. The sexual abuse of children has been defined as a crime. To emphasise the serious nature of this behaviour and to validate the sexual victimisation that many have been subjected to in their childhood, throughout this thesis I have referred to perpetrators, molesters, abusers and child rapists as offenders.

Defining a Child

The criteria that have been used to define childhood in sexual abuse research have varied across the literature. Definitions of children ranged from those who were prepubescent to those who were under the age of 18 at the time of the sexual abuse (Gillham, 1991:3-4). *The Concise Oxford Dictionary* (Allen, 1990:195) has defined a child as "...a young human being below the age of puberty". This has referred to biological childhood. The redefinition of body type, from flat and slim to sexually mature, has been universally recognised as the end of biological childhood (Ames and Houston, 1990:341). Laws governing the sexual abuse of children have used a socio-legal definition irrespective of its discrepancy with the end of biological childhood (Ames and Houston, 1990:341). In New Zealand *The Children, Young Persons and Their Families Act 1989* has defined a child as a person under 14 and a young person as over the age of 14, but under the age of 17. One such socio-legal definition of childhood has been the age a young person could legally consent to sexual relations. In New Zealand the age of consent, 16 years, has been reflected in the *Crimes Act 1961*. Bill Gillham (1991:3) pointed out that varying international definitions have complicated any definition related to the legal age of consent. This has been complicated further by such situations as the United States of America: the age of consent has varied between states, ranging from 12 to 18 years. Varying international definitions have similarly complicated other socio-legal definitions of childhood, such as the age of majority or the age a young person legally becomes an adult. Furthermore, as Ashley Ames and David Houston (1990:341) noted, socio-legal definitions have not only varied across cultures, but also they have varied across time. It should be noted that most studies have used socio-legal definitions of

childhood and, as has been highlighted, it has been difficult to come to any consensus on a socio-legal end to childhood.

Despite the identified difficulties I have used a socio-legal definition of a child that was relevant in the New Zealand context. Given that the sexual abuse of children has been defined as a crime in the Crimes Act 1961, in this thesis use of the term “child” has depicted a person who has not yet reached the age of consent: 16 years. Although the Crimes Act 1961 has allowed for the expansion of the definition of a child in certain circumstances to include female persons under the age of 20, this expanded definition has not been used. It was my intention that this thesis would focus on victims who could be undeniably identified as children. However, it is acknowledged that young female persons between the ages of 16 and 19 could be sexually abused by adult male persons charged with the responsibility of their care and protection. It is further acknowledged that the discrepancy between socio-legal and biological childhood could be a concern to adult victims of child sexual abuse as they have attempted to understand the motivation for offending against them.

Motivation for Offending

As with all crime, there have been two arguments relevant to motivation for offending in the context of child sexual abuse. The first has considered those predispositions that have motivated an offender to sexually abuse a child. The second argument has considered the concept of *mens rea*⁴: whether the offender has acted with criminal intent (Allen, 1990:741). This concept has been crucial when considering the difference between the charges of manslaughter and murder. A manslaughter charge has indicated that the police believe that there was no intent to murder the victim, whereas the murder charge has indicated that the police believe that there was intent (Edwards, 1996:375). The concept of *mens rea* has been used as a defence in male on female rape charges. The offender could be acquitted of a rape charge if he could convince the jury that he honestly believed the victim had

⁴ *Mens rea* is a Latin phrase which means guilty mind. As a legal term it has been used to describe “...[t]he state of mind the prosecution must prove a defendant to have had at the time of committing a crime in order to secure a conviction (Martin, 1997:290).

consented (Northey, 1980:557). A similar argument has been utilised by child sexual abuse offenders as an excuse for their offending. Given that a child under the age of 16 years has been unable to give legal consent to sexual relations, *mens rea* could not be considered as a legal defence unless the offender had honestly believed the child to be over the age of 16 years. Where such a defence was not available, it could logically be assumed that offenders were cognisant that their actions were breaking the law.

The factors that have predisposed a person to sexually offend against children have been relevant to victims as they sought explanations for the victimisation they were subjected to. As mentioned above, the distinction between biological and socio-legal childhood has impacted on explanations for child sexual abuse. Ames and Houston (1990:340-341), argued that the end of biological childhood, unlike the end of socio-legal childhood, was marked by discernible signs, and as such, a distinction should be made between biological children and socio-legal children. The discrepancy between socio-legal and biological definitions to the end of childhood masked what could be an important distinction between offender types and patterns of offending (Ames and Houston, 1990:341). *The Concise Oxford Dictionary* (Allen, 1990:855) has defined paedophilia as "...sexual desire directed towards children." *The Royal Commission into the New South Wales Police Service: The Paedophile Inquiry* referenced the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM IV), which has defined paedophilia as "...sexual activity with a prepubescent child (generally aged 13 years or younger)" (Wood, 1997:PA 17). Wood noted that paedophiles might limit their activity to "...their own children, stepchildren, or relatives or may victimize children outside of their families". Some victims of child sexual abuse have been victimised prior to menarche; for others menarche has marked the commencement of sexual abuse. An incestuous relationship might commence prior to puberty and might or might not continue through adolescence: in some instances it might continue into adulthood. A paedophiliac relationship would cease at the onset of puberty: the end of biological childhood. It might or might not be incestuous, but it would always be abusive. The motivation for offending in these instances would likely differ substantially.

Adult victims of child sexual abuse have wanted answers. They not only wanted to know why they were sexually abused, they also wanted to know what motivated the offender to sexually abuse them. Information related to the motivation for offending has implications not only for the recovery process of adult victims of child sexual abuse, but also the response of society to child sexual abuse and whether a therapeutic response should, or should not, be included. Motivation for offending in this thesis has not included the concept of *mens rea* but has referred to those factors that have predisposed an adult to sexually abuse a child.

Victims or Survivors

Lynette Briggs (1992:6) commented that the terms victim and survivor have appeared to be used interchangeably throughout the child sexual abuse literature. The more recent literature has tended to use the term survivor for adults who have survived child sexual abuse, and has referred to children as being victimised by sexual abuse (Hyman 1993:42; Leamy 1994:10). It appeared there were two reasons for this trend. The first was based on the negative understanding of the word victim, which implied weakness and passivity on the part of the person who had experienced sexual abuse as a child (McGregor 1994:11). The second acknowledged that all adults who had lived through sexual abuse as a child were survivors and use of this word has respected the strength these people possessed (Leamy 1994:10). Kim McGregor (1994:11) recognised that children have actively employed strategies to avoid abuse and as such were not as weak and passive as the term victim suggested. She also pointed out that victimisation did not necessarily mean that a person became a victim. The terms victim and survivor have invoked different images and it would be, therefore, valid to discuss the meanings of these terms to gain a clearer understanding of the underlying concepts.

The Concise Oxford Dictionary (Allen, 1990:1368) has defined a victim as "...a person injured or killed as a result of an event or circumstance... a person or thing injured or destroyed in pursuit of an object or in gratification of a passion...". This definition has been embodied in the New Zealand Victim of Offences Act, 1987, where a victim was defined as:

...a person who, through or by means of a criminal offence (whether or not any person is convicted of that offence), suffers physical or emotional harm, or loss of or damage to property; and, where an offence results in death, the term includes the members of the immediate family of the deceased.

The expansion of the definition in the Victim of Offences Act 1987, the inclusion of immediate family members in the event of death, has implied that in terms of the Act family members were defined as victims only through the death of a family member. Both definitions have reflected the understanding of victims throughout the justice system but have not acknowledged the impact an offence has had on people close to the victim, if the victim has survived the trauma.

A survivor has been defined by *The Concise Oxford Dictionary* (Allen, 1990:1228) as "...a person who survives or has survived"; to survive was to "...continue to live or exist...in spite of (a danger, accident etc)"; and survival was "...the process or an instance of surviving". The majority of victims have survived child sexual abuse in that they were not killed by the event itself. The processes that have enabled survival were those coping strategies that have been put in place to enable life to continue. The development of these strategies has marked the transformation from victim to survivor (Figley, 1985:399; Bannister, 1992:85). Charles Figley (1985:399) noted that both victims and survivors have experienced traumatic events. He suggested that the underlying difference was that victims have been immobilised. Survivors have overcome the trauma and have been able to draw on it as a source of strength. Beth Webster, an Auckland Counsellor⁵ for child sexual abuse, talked of survivors as people who have gained control over the direction of their life, have developed mastery; have resolved the damage of the abuse, and have accepted and integrated the trauma.

"The process of recovery, of moving from victim to survivor, has a central phase of anger. The process of developing a feminist theory mirrors this" (MacLeod and Saraga, 1988:40). The feminist movement created forums such as magazines, newsletters, journals, support groups, and demonstrations that enabled women to

⁵ Personal communication with Counsellor Beth Webster of Auckland, New Zealand in November 1997.

speaking about abuse they had experienced in childhood (Alcoff and Gray, 1993:268). It was from this initiative that the term survivor first emerged towards the end of the 1970s. Louise Armstrong (1996:30) acknowledged that as people spoke out about child sexual abuse in these early days they struggled with language difficulties. Ellen Bass and Laura Davis (1990:13) noted that in the mid 1970s "...the word "survivor" was not yet in our vocabulary". The sexual abuse of children had not been spoken about before; the language to construct the experiences of people affected by this issue did not exist. Batya Hyman (1993:42) attributed Kathleen Barry (1979), as the first person to advocate for the use of the term survivor: an acknowledgement of respect for a person who had lived through a dangerous experience.

Barry (1979:37) argued that the first task of feminism was to challenge the rape paradigm and prove the victimisation of women. The forums created by the feminist movement enabled sexual violence to be understood as a social force and a political act as opposed to a collection of isolated, unrelated incidents. This understanding shifted the focus of attention and the responsibility for sexual violence from the personal, private problem of the victim back to the offender. At the same time causal assumptions were shifted away from life histories of the victim to the offender. The redefinition of rape demanded the recognition of the victimisation of women, which in turn created the role and status of victim: "...someone to whom violence was done" (Barry, 1979:38). Barry referred to this process as victimism. Passivity was usually a criterion for victimism, the acceptance of the non-interactive role of the victim, but did not take into account all those actions that were a "...part of a complicated process of survival" (Barry, 1979:38). In seeking understanding and justice, women had taken on the status of victim. A label that had been initially intended to heighten consciousness of the experience of sexual violence had become a term to describe a person's identity. In so doing it contributed to the continued objectification of that person which had commenced with the act of sexual violence. Barry (1979:40) argued that defining women as victims denied women the strategies they had constructed to cope and deal with sexual violence and its aftermath.

Barry (1979:39) understood surviving as will, action and initiative on the part of the victim. She recognised that all those moment by moment decisions had enabled survival, including those actions which could have been described as passive

acceptance, but noted that “women are accustomed to seeing their acts of survival become grossly distorted or go by unnoticed” (Barry, 1979:40). Unlike men, women were not socialised to deal with survival and frequently handled survival in a haphazard manner. They were socialised to see themselves in terms of being, as opposed to doing, a passive existence as opposed to an active existence. Female socialisation presumed that women led a life that did not require any dependence on survival skills (Barry, 1979:41). Therefore if confronted with a threat, a woman’s attempts at survival would reflect her lack of awareness and inexperience as a survivor. Barry (1979:41) pointed out that irrespective of how a woman handled a threat, she was attempting to survive. The framework for victimism did not allow active survival and had become as oppressive and destructive as had the denial of the victimisation of women.

Although Barry’s argument centred on women it was equally valid when applied to children, both male and female. She argued that children who were sexually abused had been denied basic human rights (Barry, 1979:42). Further, children were less equipped to deal with survival than women. It was presumed that parents, or more specifically mothers, would protect children and, as with women, the survival strategies of children were either overlooked or misinterpreted.

Patricia Eastal⁶ explained the differences between victims and survivors by outlining the process of how a victim becomes a survivor:

The first step must be naming the experience for what it was. I am only a victim as long as I keep the secret of what happened to me. I am only a victim as long as I continue to blame myself for what happened. I am only a victim as long as I remain deeply ashamed. For many of the women who wrote to me at the [Australian] Institute [of Criminology] this was their first disclosure. By writing, I believe that a healing process can begin. For it is true that once I have named it that I begin to have some power. I become a survivor.

⁶ Personal communication, December 1997, with Dr Patricia Eastal author of “Voices of the Survivors” Melbourne:Spinifex Press (1994).

The women referred to by Eastal were those who had responded to an Australian national survey in 1992 on sexual assault survivors (Eastal, 1994b:11). The process Eastal described was the process of recovery.

Armstrong (1996:30) argued that the word “survivor” was used initially because women were adamant they did not want to be seen as victims. “Survivor” as a term “...allowed for the notion of serious injury without classifying the injury as necessarily permanently deforming” (Armstrong, 1996:30). On the one hand, the notion that survivors could recover without irreparable damage has created positive images for those being victimised; on the other hand, it has jeopardised the efforts of those who have advocated that society should seriously censure the victimisation of women and children.

Eastal⁷ commented “I’m not happy with the word “survivor” because I don't believe that we all do survive”. She argued:

I'm aware of the problems with 'victim' although it doesn't, to me, reinforce women as passive and weak, but calls it as it is - violent victimisation. I understand those who oppose the use of 'victim' and claim that people like me are 'victim feminists' persisting in presenting women as victims. If women do in fact continue to be victimised, then I think we need to name it.

Barry (1979:42) argued that to recognise women as survivors was insufficient and noted that “there is a difference between survival and *effective* survival”. Judith Herman (1997:211) recognised that the journey of recovery was never complete and that the consequences of child sexual abuse have continued to impact on the survivor. If we were to situate victims and survivors in any discourse, the dominant male discourse or the feminist discourse, the terminology used should be reflective of their experiences.

The difficulty with the terms, victim and survivor, has been that patriarchal definitions have not accurately reflected the broad spectrum of experiences. These terms have seemed to imply if you were a victim you were weak, passive and

⁷ See Footnote 6.

immobilised, or, if you were a survivor you have recovered. We should acknowledge that all those actions taken by people sexually abused as children were strategies that enabled survival. We should recognise that children were not immobilised by the abuse but were immobilised by their circumstances. We should understand that victimisation has not been an isolated act. Survivors could continue to be victimised by ongoing sexual violence, or by other acts of sexual violence and could be revictimised should they attempt to address these injustices. We should recognise that for every act of sexual violence there have been other victims, including non-offending family members and very often, others who have not yet disclosed that the same person sexually abused them. Historical law and rape prosecution have informed us that women have been vulnerable to charges of complicity (Armstrong, 1996:31). We should understand that mothers of children who were sexually victimised were possibly victimised themselves and powerless to intervene effectively. By ignoring the power differentials within the family and the broader society we have perpetuated patriarchal definitions and power arrangements (Laird, 1993:191). Finally we should understand that a victim could at one time be both a victim and a survivor.

If I were to accurately reflect the many realities of those who have been sexually victimised in their childhood, I should have spoken with these people first and ascertained from them which term best fitted their reality. To do otherwise would merely perpetuate patriarchal attitudes. I would be making assumptions about individual journeys of recovery, which might or might not be accurate. On the other hand, I had to make distinctions between the various groups I have discussed throughout this thesis. These groups could be categorised into two broad groups. The first group included those who were referred to by the various researchers and writers I have referenced. The second group included all those who have been involved in the research processes that have provided the basis for this thesis. To differentiate between these two groups, those who were unknown to me and those who were known to me, I have referred to the first group as victims of child sexual abuse or victims, and to the second group as adult survivors of child sexual abuse, adult survivors or survivors.

I have not intended to portray any passivity on the part of those people I have referred to as victims. It has been acknowledged that survival has incorporated both active and passive strategies. I have merely attempted to eliminate confusion between those people involved in this research project and those who were not. Victims have been sexually victimised in their childhood by a person they should have been able to depend on for nurture and protection. The underlying concept of a survivor has been a person who had been victimised and now, as an adult, was in some stage of the recovery process. Use of this term has not indicated which stage of the recovery process the survivor has reached and no assumptions have been made about individual journeys of recovery. Neither has it indicated that victimisation has ceased or that revictimisation could not occur. Irrespective of their position on their individual journey of recovery, those adult survivors of child sexual abuse, who told me their stories did so from a position of strength and power, albeit at times tentatively.

Defining Child Sexual Abuse

The term child sexual abuse has emerged as a general term to describe a range of activities and relationships that have been legally unacceptable within society and have been acknowledged to have adverse consequences for the victim. Throughout the literature, terms used to denote the sexual abuse of children have included: seduction, sexual harassment, sexual exploitation, sexual victimisation, sexual molestation, sexual assault, sexual violence, incest, child rape and adult/child rape. The terminology has varied according to the activities and the relationship between the offender and the victim (MacLeod and Saraga, 1988:18).

Hilary Lapsley (1993:5) contended that the difference between the words “abuse” and “violence” has inferred a different, definitional approach. She argued that the term “abuse” was a broader term, which although it has invoked an image of people being taken advantage of, it has not necessarily invoked an image of physical coercion or harm. Conversely the term “violence” has implied an action that produced identifiable physical damage to a victim. The sexual abuse of children has not necessarily been physically violent. Furthermore, a victim of child sexual abuse could in fact be co-operative. Use of the term “violence” has not accurately reflected

the manipulation to co-operate that some victims of child sexual abuse have experienced.

The Concise Oxford Dictionary (Allen, 1990:6) has defined abuse in the verb form as "...use to bad effect or for a bad purpose... misuse (*abused his position of power*)... insult verbally... maltreat". In the noun form, abuse has been defined as "...incorrect or improper use (*the abuse of power*)... insulting language... unjust or corrupt practice... maltreatment of a person (*child abuse*)". *The Concise Oxford Dictionary* (Allen, 1990:1111) defined sexual as "...of or relating to sex, to the sexes or the relations between them." These definitions have invoked images of a person in a position of power who has abused this position in an attempt to have a sexual relationship with another person. As a term, child sexual abuse would appear to be appropriate terminology for this discourse to proceed.

Although the definition of child sexual abuse frequently has been defined within the broader context of child abuse, there has appeared to be no consensus on a standard definition of child sexual abuse across the literature. Researchers have created operational definitions specific to their needs in their particular study (Briggs, 1992:6). Some studies have focused on experiences with adult partners, some have included coerced experiences with peers, and others have excluded all peer experiences. Some have focused only on abuse within the family. In other instances researchers have not reported the definitions they have used (Violato and Genuis, 1993:34-35).

Douglas Barnett, Jody Manly and Dante Cicchetti (1993:9), argued that there were three primary components to a definition of child sexual abuse. The first component categorised the motivation for offending, the second determined the types of action that could be included, and the third component considered the required degree of severity. This approach to defining child sexual abuse was centred more on the perpetrator of the abuse. In contrast to this, Mary MacLeod and Esther Saraga (1988:20) advocated for a more victim-centred approach. They argued that child sexual abuse should be defined in terms of three key elements: the betrayal of trust and responsibility, the abuse of power, and the inability of children to consent. They argued that questions of age, blood relationship and social taboo were red herrings,

which obscured the central issue: "...the irresponsible exploitation of children's ignorance, trust and obedience" (Nelson, 1987:14, quoted in MacLeod and Saraga, 1988:20).

The variation in definitions has been problematic for comparative studies and the retrieval of consistent, relevant information (Violato and Genuis, 1993:34). Stefanie Peters, Gail Wyatt and David Finkelhor (1986:23-25) identified that although there were discrepancies between definitions of child sexual abuse, there was evidence of consistent themes and issues across definitions. The lack of established conventions among researchers has contributed to the confusion regarding the reported findings of studies attempting to estimate frequency of child sexual abuse. I will, therefore, briefly outline the themes and issues that have been identified in definitions of child sexual abuse.

Themes and Issues in Definitions

In their review of the literature, Peters et al. (1986:23-25) identified three common themes within definitions of child sexual abuse. The first theme determined the upper age limit for the child at the time of the abuse experience. The second described the type of sexual behaviour: whether it was limited to contact abuse or whether it included non-contact abuse. The third theme was the criteria used to define the sexual experience as abusive. This included such parameters as: the use of violence, force, pressure or coercion; determining an upper limit to the age discrepancy between the child victim and the offender; extra-familial or intra-familial sexual abuse; and finally, whether the victim considered the experience unwanted or abusive. While Peters et al. did not raise any issues regarding the definition of a child, they noted that the upper age limit of victims varied between studies.

In addition to these three themes, Peters et al. (1986:25) identified three common definitional issues. The first was the inclusion or exclusion of non-contact abuse in a definition of sexual abuse. They observed that initially, non-contact experiences had been included largely for two reasons. Firstly, some forms of non-contact abuse, such as exhibitionism or the involvement of children in pornography, had been defined crimes. Secondly non-contact abuse, when instigated by a family member or other

person in a position of authority, could have had a significant impact on a child. However some researchers have considered some forms of non-contact abuse, such as exhibitionism, as a nuisance factor and have claimed that they were less likely to cause adverse long term effects. The researchers concluded that conservative definitions have tended to exclude non-contact experiences.

The second definitional issue identified by Peters et al. (1986:25-26) was the inclusion of abusive experiences involving an offender who was a member of the victim's peer group. Some researchers have interpreted child sexual abuse as exclusively perpetrated by adults (Peters et al., 1986:25). For example, Finkelhor's study (1979) claimed that abusive experiences with peers were less traumatic than with adults, irrespective of the involvement of force. Peters' team conceded that peers were quite capable of committing extremely abusive acts and acknowledged that girls have experienced much intrusive and unwanted sexual aggression in late adolescence, which because it has occurred in childhood, could be defined as child sexual abuse. They reported that, increasingly, researchers were including abuse by peers within their definitions of child sexual abuse, particularly if these incidents were unwanted, forced or coercive, and could be distinguished from normal, peer sexual exploration. Gillham (1991:4) noted that as sexual activity between post-pubertal children was common, the issue of consent was central, but he also acknowledged the difficulties inherent in determining if these experiences were mutually consensual.

The third definitional issue identified by Peters et al. (1986:26) was related to the age differential required between victim and offender. Gillham (1991:4) argued that the age gap between the victim and the offender was an integral factor in a definition of child sexual abuse. Most researchers required a five year age difference if there were no force involved (Peters et al., 1986:26). According to Gillham (1991:5), a widely used definition accounting for the age differential was that devised by Finkelhor (1979). Between the ages of 13 and 16 inclusive, the adolescent period of childhood, the age differential was increased from five years to ten years. Other researchers excluded all voluntary experiences between the ages 13 and 17 (Peters et al., 1986:26).

The themes and issues identified by Peters et al. are evident in the following review of definitions of child sexual abuse commonly used in the literature.

A Review of Common Definitions

MacLeod and Saraga (1988:18-19) found that the most widely used definition in the literature was “the involvement of developmentally immature children and adolescents in sexual actions which they cannot fully comprehend, to which they cannot give informed consent, and which violate the taboos of social roles” (Schechter and Roberge, 1976, cited in Kemp and Kemp, 1984:9). This definition appeared to use a biological definition of childhood and suggested that some abuse could be defined only because it has been socially unacceptable (MacLeod and Saraga, 1988:19). Focusing on the victim’s inability to give informed consent drew attention away from the actions of the offender and appeared to ignore issues regarding the misuse of a position of power and the use of force or the threat of force, which constituted coercive power.

David Geddis (1988:10) defined child sexual abuse as “...a variety of situations and interactions which range from exhibitionism to genital manipulation to intercourse to child pornography”. He acknowledged that the term child sexual abuse had multiple definitions and noted that all definitions shared a common characteristic: “...someone considered too young to give informed consent has been involved in a sexual act” (Geddis, 1988:10). The child was the innocent party and the offender was held morally and legally culpable. Geddis distinguished between intra-familial sexual abuse and extra-familial sexual abuse. Intra-familial sexual abuse encompassed any form of sexual activity that was imposed on a child by any family member. He included incest in this category, which he defined as “...sexual intercourse between relatives within the prohibited degrees of relationship defined by law”. In his definition of intra-familial sexual abuse, Geddis also included “...any sexual activity imposed by a person in a parenting relationship with a child even if there is no blood or legal relationship”. Extra-familial sexual abuse was defined by Geddis as “...any form of sexual activity imposed on a child who is unrelated.” Although the offender might be unknown to the child, he acknowledged that it was more likely that the offender was known to the child and held a position of trust. This definition included

both contact and non-contact abuse and differentiated between intra-familial and extra-familial abuse. It did not include a description of a child or how the end of the childhood was determined, nor did it include abuse by peers. Geddis included the unequal position of power between victim and offender and expanded the definition of intra-familial abuse beyond that of incest, which he included in the broader definition of this category.

Hyman (1993:41) argued that "...the clearest definitions of child sexual abuse distinguish between intra-familial and extra-familial abuse, identify whether both contact and non-contact incidents will be considered, and specify the age of the victim". Susan Edwards (1996:267-268) cited the definition of The National Society for the Prevention of Cruelty to Children (NSPCC), a British organisation:

...the involvement of children in sexual activities they do not truly comprehend, to which they are unable to give informed consent, or which violate the social taboos of family life, or are against the law... The term relates to abuse by parents or care givers, or their failure to protect children from abuse. It includes not only incest as legally defined, but also sexual relationships with others, such as adopted children and stepchildren.

This definition included both contact and non-contact activities and was very similar to the definition provided by Geddis. Notably, the NSPCC definition broadened the definition of an offender beyond the perpetrator of the abuse to those who failed to protect the child from abuse⁸.

Carolyn Knight (1997:22-23) defined child sexual abuse as "...sexual contact between a child and an individual in a position of power and authority." She argued that use of the term did not restrict the abuse to the family and that the offender

⁸ This notion has been codified in New Zealand law by Section 3, subsection (2) of The NZ Domestic Violence Act 1995: "...a person psychologically abuses a child if that person (a) Causes or allows the child to see or hear the physical, sexual, or psychological abuse of a person with whom the child has a domestic relationship; or (b) Puts the child, or allows the child to be put, at real risk of seeing or hearing that abuse occurring ...". The person who suffered domestic violence would not be regarded as an abuser in this instance. Theoretically a victim of domestic violence should not be charged under this act for failing to protect children exposed to domestic violence.

might or might not be an adult. Knight reasoned that "...the critical aspects of the sexually abusive relationship are the child's powerlessness relative to the perpetrator, the perpetrator's role, which is broadly defined as that of the child's caretaker (i.e., babysitter, camp counsellor, older sibling, parent/step-parent), and the perpetrator's use of his/her position to exploit the child". The range of abusive activities encompassed "...the full range of sexual activities in which victims may have been forced to participate, including, but not limited to vaginal and anal intercourse, oral sex, fondling, masturbation, and exposure to pornography". Although this definition appeared sufficiently broad to encompass the many realities of victims, it implied that force was a prerequisite for sexual abuse. Knight did not clarify that coercion and force could range from blatant to extremely subtle.

The Children, Young Persons and Their Families Service (CYPS) of New Zealand⁹ (CYPS 1997a:11-12), has defined child sexual abuse as the following:

Sexual abuse is any act or acts that result in the sexual exploitation of a child or young person, whether consensual or not. It may include, but is not restricted to:

- *Non-contact abuse*
 - *Exhibitionism*
 - *Voyeurism*
 - *Suggestive behaviours or comments*
 - *Exposure to pornographic material*
- *Contact Abuse*
 - *Touching breasts*
 - *Genital/anal fondling*
 - *Masturbation*
 - *Oral sex*
 - *Object or finger penetration of the anus or vagina*
 - *Penile penetration of the anus or vagina*
 - *Encouraging the child or young person to perform such acts on the perpetrator*
- *Involvement of the child or young person in activities for the purposes of pornography or prostitution.*

This definition has covered a range of contact and non-contact activities and was derived from The Children, Young Persons and their Families Act 1989. The description of a child or young person was derived from the same legislation. Use of

⁹ CYPS is now known as the Department of Child, Youth and Family Services.

the word exploitation has implied a power differential, but has not emphasised the unequal positions of power between a victim and an offender. This definition has covered the activities that have constituted child sexual abuse, including the use of suggestive language, but it has not distinguished between intra-familial and extra-familial abuse, neither has it distinguished whether force was used or not. Furthermore all forms of child sexual abuse have been collapsed into either contact or non-contact sexual abuse.

These definitions of child sexual abuse have not reflected the complexity and reality of child sexual abuse in its entirety. Predictably there have been discrepancies between definitions as described by Peters et al. above. These have included, the upper age limit of a child, the inclusion of contact and non-contact abuse, the inclusion of peer abuse, and the age differential between victim and offender. In contrast to the narrower definitions used by researchers, feminist definitions have tended to be broader and more inclusive, and have started with those components that victims have defined as abusive.

Feminist Definitions

It has been an integral principle of feminist scholarship that women have challenged dominant definitions and meanings in an effort to reflect accurately women's experiences and realities (Kelly, 1988:68). As the experience of children was recognised and documented, definitions were extended in an effort to reflect the complexity of child sexual abuse. An example of this has been use of the word incest. *The Concise Oxford Dictionary* (Allen, 1990:597) has defined incest as "...sexual intercourse between persons regarded as too closely related to marry each other." The definition of close relationship has varied across cultures and time but has been generally understood by all societies as a prohibition of sexual intercourse between parent and child. The New Zealand Crimes Act 1961 has prohibited sexual intercourse between siblings, irrespective of a half blood or full blood relationship, and between grandparents and grandchildren. Under this legislation incest was only a crime if the person charged was aware of the relationship. The term incest has described the concept of a blood relationship between the people involved; it has not necessarily defined the relationship as abusive. The popular media have frequently

reported incestuous relationships between consenting adults who were initially unaware of their blood relationship.

McGregor (1994:11) used the term incest to denote sexual abuse by anyone the child had been encouraged to consider as a family member. This included immediate family, stepfamily, foster family, extended family, family friends and neighbours. McGregor acknowledged that many researchers used a narrower definition for incest, restricting incest to legally defined incest or blood-linked family members. She reported that, from her experience as a caseworker, she had found that the pressure for a child to remain silent about any abuse was not dependent on the offender being a blood relative. Liz Kelly (1988:72) commented that abuse was amplified when the abuser was a child's parent. Children who have been sexually abused by people they were encouraged to believe, or who have been brought up to believe, were members of their family, might have a similar understanding of child sexual abuse to a child whose abuser was a blood relative.

In 1988, Kelly (1988:65) noted that in the United Kingdom child sexual abuse was becoming synonymous with incest and that feminist writers were beginning to use the term child sexual abuse "...to refer to only incestuous abuse". The feminist process of redefinition had broadened the narrow definition of incest to include people who were not related by blood to the child. Kelly (1988:66) pointed out that incidence and prevalence figures were widely known and quoted but the research and definitions on which these figures were based were often not understood. The commonly quoted statistics of this period, one in four girls and one in ten boys, were based on studies that covered both intra-familial and extra-familial forms of child sexual abuse. If the understanding of the public were that child sexual abuse referred only to incest, these figures could be used to report on incest and, as Kelly noted, this had been the case.

The first questions victims of child sexual abuse have asked as they began to come to terms with the abuse were: "why did this happen to me, what did I do wrong?" Information derived from studies and research projects could offer some explanations. All too often victims have found themselves attempting to "fit" their experience into a definition that has not reflected or accommodated their reality.

Narrow professional and legal definitions have excluded some of the abusive activities that children have experienced (Kelly, 1988:71). Definitions should include all forms of the sexual abuse of children. Efforts to be inclusive should ensure that all forms of sexually abusive behaviour involving children have not been merely reduced to child sexual abuse. This would only create the same confusion that Kelly (1988:67) noted with the collapsing of all child sexual abuse to the category of incest.

The challenge has been to reflect the range and complexity of child sexual abuse that children experience. To accommodate this, Kelly (1988:71-72) suggested the use of a continuum based on that which women and children have experienced as abusive. This would enable the application of the whole range of terms currently used in the sexual abuse of adult women to the sexual abuse of children. The specific categories of incestuous abuse and paedophilic abuse would be differentiated, thereby highlighting the specific context and dynamics of child sexual abuse (Kelly, 1988:71). Such a continuum would allow for ambiguities and could "...take account of the fact that the same type of assault may be committed by a stranger or a relative, an adult or a peer and can be a single or repeated occurrence" (Kelly 1988:72). It would also take account of whether force was used, the degree of coercion and the unequal positions of power between victim and offender. This continuum would place the experience of children within the general phenomenon of sexual violence against women (Kelly, 1988:72), without removing it from the broader category of child abuse.

It would be unlikely that there could ever be consensus on a unitary definition of child sexual abuse. The use of a continuum could enable a range of standardised definitions, which could better suit the needs of victims and researchers without compromising statistics generated by research. The conflict evident between offender centred definitions and victim centred definitions could be eliminated, and distinctions in abuse patterns could be maintained allowing for the collection and analysis of important information. The narrow legal definitions of child sexual abuse could be incorporated, within the expanded definitions of the feminist writers. A continuum of definitions would therefore have sufficient flexibility to reflect more accurately the many realities of victims of child sexual abuse.

Potential participants in the research processes that this thesis has been based on were not required to fit some predetermined definition to ascertain their eligibility to participate. It was sufficient that they identified themselves as having been sexually abused as a child under the age of 16, by a person whom they considered an adult. I have used the term child sexual abuse as an umbrella term, encompassing all those experiences that adult survivors have determined to be abusive. For some victims and survivors, this might be a euphemistic term that has not described their reality. For these victims or survivors such terminology as sexual torture and violent sexual victimisation might be more appropriate. Use of the term child sexual abuse has not been intended to detract from the reality of these victims or survivors, but has been used as a term to denote a continuum.

Conclusion

The varying terms and definitions that have been used by researchers have not only had implications for comparative studies but also they have had implications for victims of child sexual abuse. Child victims have been unable to disclose abuse due to their lack of power, their lack of voice and their position in the family. Typically they have not had the language to describe their experience. The way professionals and other adults have theorised has impacted on the way children have understood their world, which in turn has impacted on their ability as adults to disclose child sexual abuse. Some of the terms that have been used to describe child sexual abuse have not matched victims' understandings of their experience. Not all victims would perhaps use the term "child sexual abuse" to describe the victimisation they have been subjected to. If the term were not sufficiently inclusive, victims might not identify their experience as abusive. If victims of child sexual abuse could not "fit" their perception of their experience to that of theorists they would be unable to identify that they had been sexually abused and therefore would not be included in frequency studies. The next chapter will highlight that the traditional or "malestream" theoretical perspectives of child sexual abuse have tended to collude in the conspiracy of silence and I suggest that a feminist perspective would better explain the sexual abuse of children.

Chapter 2

An Historical and Theoretical Perspective

Introduction

Although the development of theoretical explanations for child sexual abuse has been relatively recent, children have been sexually victimized in all civilizations throughout the history of humankind. To contextualise the theories that have emerged to explain child sexual abuse, it would be useful to reflect on the historical forces that have shaped interpretations of child sexual abuse, and how these have contributed to the development of theory. Such forces have included the historical position of women and children in society and the impact Sigmund Freud had when he recanted his theory: *The Aetiology of Hysteria*. More importantly an historical review would highlight how patriarchy has maintained the conspiracy of silence surrounding the sexual abuse of children. I will critically appraise the literature commencing with an historical analysis to identify those theoretical perspectives that have reflected more accurately the experiences of child sexual abuse victims.

An Historical Perspective

It was not until the 1970s with the emergence of a second wave of feminism and associated consciousness-raising that women were provided with forums in which they could begin to break the conspiracy of silence. Prior to this women and children remained silent. Despite a scarcity of recorded history regarding children, the evidence has been sufficient to determine that the sexual abuse of children, in all its forms, has existed in every society since recorded history (Ames and Houston, 1990:334).

Pre-Fifteenth Century

Florence Rush, in *"The Best Kept Secret"* (1980), presented a thorough account of the influence of the Talmud, the body of Jewish civil and ceremonial law, and the

Bible in sanctioning the sexual abuse of children (Dinsmore, 1991:11). According to Rush (1980:16-21), the earliest written evidence was inscribed on the clay tablets of the ancient civilisation of Sumer approximately five thousand years ago. These writings told of a young girl who believed she was too little for sexual intercourse and of at least one man who protested against having sexual relations with children. It could be argued that there were discrepancies between ancient and modern age calculations, but both the Talmud and the Bible encouraged men to take very young girls in marriage, concubinage and slavery. Women and girls were the property of men and loss of virginity without the father's permission was not considered a crime against the victim, but a crime against her father. Loss of virginity was theft and the daughter's second-hand status or reduced value could be recompensed by compensation to the father.

The ancient Greek civilisation practiced pederasty, the sexual use of pubescent boys. Adolescent boys were unable to form relationships with girls of their own age, as young girls were given in marriage to men fifteen to twenty years older than themselves (Rush, 1980:50). Pederasty was the prime method of education; adult males acted as teachers and counsellors to their young lovers and were responsible for the conduct of their protégées. As teachers they were expected to impart knowledge and train in the use of weapons, horsemanship, execution of duties and obedience to authority (Rush, 1980:51). Greek men coveted young men for their softness, lack of hair and powerless immaturity, the very qualities they desired in women (Rush, 1980:53). To satisfy the demand for these desirable traits, young boys were bought and sold, kidnapped, forced into prostitution and castrated. The ancient Romans were not as preoccupied as the Greeks with love and romance but viewed sex more as a means of humiliation and seemed to find pleasure in dehumanising and brutalising their enemies (Rush, 1980:54).

The rise of Christianity condemned these practices. Officially, mediaeval Canon law decreed the minimum ages for marriage of boys and girls, as fourteen and twelve respectively (Rush, 1980:30). It was also decreed that marriages would not be sanctioned if there were an age difference. These laws were not honoured: girls as young as ten were married, without their consent, to elderly men (Rush, 1980:31; Ames and Houston, 1990:334). Under Canonist law sexual intercourse with a child

under seven was inconsequential and invalid, as it was under Talmudic law (Rush, 1980:34). If sexual intercourse with a child under seven was merely invalid or inconsequential, presumably it was neither incestuous nor forbidden. Members of the clergy were not exempt from sexually abusing children. Despite Rome's ruling that sexual offenders among the clergy should be punished, the protection the church afforded sexual offenders rendered this almost impossible (Rush, 1980:36). In the few cases where priests were found guilty, the punishment was not sufficient to deter future offending. This enabled the clergy to enjoy sexual privileges with impunity.

The Fifteenth to the Eighteenth Centuries

During the fifteenth to eighteenth centuries, the Inquisition, the judicial arm of the church, charged large numbers of women and girls with witchcraft, which "...was primarily a female sexual crime..." (Rush, 1980:40). The guidelines for identifying witchcraft included the traditional female roles of midwifery, knowledge of herbal remedies, the practice of birth control and abortion (Rush, 1980:37-39). According to these guidelines, which were written by two Dominican friars, women were capable of a variety of excesses including copulation with the devil. Not surprisingly, the guidelines did not include the excesses of men, but if men were exempt, children were not. In a society where the sexual abuse of women and children went unimpeded and people willingly believed in evil spirits, it was convenient to distort realities by attributing this to a supernatural experience. In the absence of any recourse it was simpler for victims of sexual abuse to accept, and in some instances, believe the same explanation. Consequently women and children, apparently contaminated by the devil, were imprisoned, tortured or burnt at the stake accused of witchcraft.

Seventeenth century France experienced an epidemic of nuns, novitiates and schoolgirls seeking relief from the torment inflicted on them by "demons" (Rush, 1980:40-47). The numbers were so great it was impossible to ignore. This led to France becoming the showcase for the bizarre behaviour of those females residing in convents and to the prosecution of some heretical priests. For men the charges of seduction and rape were minor compared to the more serious charges of wizardry, sorcery or magic. A conviction for the sexual violation of women and children,

which resulted in the death penalty, was more likely an indicator that the offender was the victim of power politics and local rivalries or had influential enemies. Rush (1980:47) concluded: “during the period of absolute Roman Catholic power, nuns, novitiates and schoolgirls were in fact the exclusive property of the monks”.

In his superficial study of witchcraft, Sigmund Freud speculated that the outrageous claims of women, who were accused of being witches, were derived from a chaotic psyche (Rush, 1980:43). Rush questioned why Freud and his colleagues could not acknowledge that confessions extracted under torture were more likely to represent the projections of those responsible for extracting the confession. The explanation provided by Freud and his colleagues was that because these women were isolated from the male sex they had to compensate with fantasies and daydreams. The concept of “fantasy” replaced superstition, and stakeholders continued to manipulate the realities of women and children.

The Nineteenth Century

The nineteenth century saw the continuation of the sexual abuse of children. While the illusion of respectable boundaries was maintained the violation of children was tolerated. The advent of the camera coupled with the Victorian male’s interest in female children promoted the wider production and distribution of child pornography (Rush, 1980:60). Child prostitution flourished and as there were never sufficient “voluntary” prostitutes to meet Victorian demand, women and young girls were procured through white slavery (Rush, 1980:64). An extensive white slave industry involving the international movement of preteen and teenage girls was established with official sanction and protection at the highest levels. Victorian double standards precluded the discussion of such matters and so children were kept ignorant of the dangers of white slavery: they could easily be lured with promises of food, money, shelter, employment or marriage (Rush, 1980:65-67). Prior to the industrial revolution women were seen as the source of sin while men were the epitome of virtue. The industrial economy demanded that men be aggressive and competitive, thereby provoking a convenient reversal: men assumed sin, sexual lust and ambition as inherent positive masculine traits and delegated the guardianship of morality and religion to women who were now defined by men as innately pure, passive and

asexual (Rush, 1980:68). The responsibility was placed with the victim and blame was removed from the sexual aggressor.

In both the United Kingdom and the United States of America, societies for the prevention of cruelty to animals were established before societies for the prevention of cruelty to children (Gillham, 1991:23). The first case of child abuse in the United States of America to attract national newspaper coverage and prompt a national response was in 1874, some 8 years prior to the establishment of the Society for the Prevention of Cruelty to Children (SPCC) (Barnett et al., 1993:12). Mary Ellen, a ten year old girl, was severely beaten and neglected by her step parents. This case "...was brought by the Society for the Prevention of Cruelty to Animals...on the grounds that, being a member of the animal kingdom, she 'was entitled to at least the same justice as a common cur on the streets'" (Bremmer, 1971:185, quoted in Gillham, 1991:23). At the time of Mary Ellen's case there was no definition of child abuse, neither were there programmes to provide help and protection to children (Barnett et al., 1993:12). The outcome of the public attention generated by this case was the establishment of the SPCC, of which Mary Ellen officially became "case number 1".

Once women realised that men were unable to deal with social problems, they took matters into their own hands. One of these first crusaders was Josephine Butler. Her cause, the eradication of sexual exploitation, was based on man's inhumanity to women and sexual double standards (Rush, 1980:68). She censured those who profited from prostitution, the laws of the state and the associated corruption of government and police (Barry, 1979:16). She believed that if the state was morally responsible and double standards eliminated, individual morality would follow. Kathleen Barry (1979:22) and Florence Rush (1980:72) argued that Butler's campaigns were responsible for the age of consent in Britain being set at sixteen years of age in the late 1880s. Barry (1979:4-5) attributed Josephine Butler as single-handedly raising a national and international movement against forced prostitution in the late nineteenth century. Although Butler died in 1907, the movement, which became known as the abolitionist movement, continued in its own momentum (Rush, 1980:72). Many countries and international organisations have continued to intervene in the white slave trade.

Butler's death and the absence of her staunch determination opened the way for a group of experts to assert that children had sexual feelings and were therefore able to consent to sexual relations with adults (Rush, 1980:72). The influence of these experts would come to have far reaching implications for women and children. The last two decades of the nineteenth century saw concentrated scientific inquiry into the disorder known as hysteria. Hysteria was "...thought to occur more frequently in women than in men and to be associated with the womb" (Allen, 1990:582). The founder of the study of hysteria was Jean-Martin Charcot, a French neurologist (Herman, 1997:10). Among his students were Sigmund Freud, who came to be considered as the father of modern psychiatry, and Pierre Janet. Charcot viewed the emotions of his patients as symptoms to be documented; by contrast Freud and Janet discovered they needed to talk to their patients and listen to them: "For a brief decade men of science listened to women with a devotion and a respect unparalleled before or since" (Herman, 1997:11-12).

In 1896, Sigmund Freud presented a group of three papers called "The Aetiology of Hysteria" in which he argued that the cause of hysteria was due to being sexually abused as a child (Rush, 1980:87). This was a direct challenge to general medical opinion of the day. Freud named social causes as the basis of neurosis as opposed to the generally accepted biological causes of heredity. He presented data to substantiate this argument, which included case studies of women who had been sexually abused in their childhood by adults (Dinsmore, 1991:11). This theory, which became known as the seduction theory (Rieker and Carmen, 1986:361), could have been seen as a very courageous act on the part of Freud, but was diluted by his claim that offenders were predominantly female (Rush, 1980:89).

Within years Freud recanted his earlier theory of 1896, replacing it with the Oedipus complex (Dinsmore, 1991:12; Rieker and Carmen, 1986:361; Rush, 1980:83). He stated he had underestimated the role of fantasy, that he had been naïve when he believed his patients' reports of being sexually abused as children, and that he now realised that these women had merely been reporting their fantasies and wishes (Dinsmore, 1991:12). While Freud was unable to name the father publicly as the perpetrator of sexual abuse, he was able to do so privately in letters to his friend Wilhelm Fliess, a Berlin nose and throat specialist (Rush, 1980:86-89). Although

Freud presented evidence in personal letters to Fleiss that substantiated his seduction theory, he would never publicly promote it again. In 1924, Freud added a footnote to an 1895 paper, *Studies on Hysteria*, commenting that for reasons of discretion and to protect fathers from unfair bias, he had reported that an uncle was the sexual abuser when it was actually the father (Rush, 1980:85).

The shift to the Oedipus complex as an explanation for child sexual abuse enabled Freud and his followers to disbelieve and underestimate abusive experiences (Rieker and Carmen, 1986:361). Instead of taking the opportunity to intervene on behalf of his female patients, Freud "...began the long history of the denial of women's reality" (Dinsmore, 1991:12). However the denial of women's realities has always existed. It could be more accurate to say that Freud validated this denial by providing an alternative scientific explanation that was more acceptable to his peers. Validation of the denial of women's realities did not only affect Freud's patients, it accentuated the position of women in Victorian society (Dinsmore, 1991:12). Women were portrayed as sexually, psychologically and intellectually immature, unable to tell the difference between fantasy and reality. Freud articulated the patriarchal view that women were deficient men, thereby giving psychology such terms and concepts as penis envy, the Oedipus complex, and women's fantasies about their fathers. This, together with falsely naming the perpetrator, was a betrayal of all women, the consequences of which have continued to impact on society today.

While Butler was campaigning against the organised sexual enslavement of women for financial profit, feminists elsewhere were focussing their attention on other forms of sexual abuse. It was this first wave of feminism that drew attention to the prevalence of sexual abuse within the family situation (Briar 1994:255). Linda Gordon (1988:56-57) noted that American charity and social workers of the late nineteenth century were aware of the existence of child sexual abuse and understood that the intra-familial form, incest, was the most prevalent. From their privileged upper class position, they blamed male brutality and lack of sexual control. They believed that the problem existed only among the Catholic immigrant poor. Influenced by the social purist movement, which had co-opted Butler's cause, these women campaigned for temperance, believing that alcohol was the cause of family violence. A reinterpretation of this period by American women's historians, noting

its anti-Catholic and anti-working class content, acknowledged that this movement had some successes. The feminist anti-violence movement of this period described the reality for these women as "...violence, disease, impoverishment and male irresponsibility" (Gordon, 1988:57). They opposed corporal punishment, advocated for gentler methods of child rearing practices and questioned the inviolability of the Victorian home and authority of the male head of the household. Women's legal victories during this period established a precedent for maternal rights regarding the custody of children, which has remained influential over this last century. Although the feminist analysis of this period was restricted by class limitations it identified the circumstances of working-class children. The major achievements of this period, in terms of child sexual abuse, were the sympathy generated for child victims and the establishment of the movement in the 1870s against child abuse in general.

Early Twentieth Century

By the 1920s the perspective of child sexual abuse had significantly changed. Its incestuous nature was de-emphasised and obscured. The emphasis was moved from a problem within the family out on to the streets. Gordon (1988:57-58) explained that a three part transformation occurred: "...the locus of the problem was moved from home to streets, the culprit was transformed from father or other authoritative male family member to perverted stranger, the victim was transformed from innocent betrayed to sex delinquent". Gordon (1988:58) argued that this reinterpretation was in part due to the professionalisation of social workers, which in turn undermined the influence of feminists and social reformers among child protectors. Women working in this area were no longer volunteers but were women who worked for a living and were directed by men. After the suffrage victory in 1920, the feminist movement became weakened and fragmented. The weakened position of feminists combined with the aftermath of war, created a pro-family backlash, which contributed to the reinterpretation of child sexual abuse. Child sexual abuse was categorised as moral neglect, mothers were blamed for not supervising or protecting their children and victims themselves were implicated. The real perpetrators became the victims, apparently seduced by young girls. Many girls opted for a street life, which was less destructive than the unsafe homes they felt forced to leave. In early twentieth century America, female juvenile sexual delinquency was seen as a major social problem and

large numbers of girls were sent to reformatories. It should be noted that this period coincided with Freud's recantation of his seduction theory.

The reinterpretation of child sexual abuse not only re-established the family as an inviolable unit, it also gave rise to the stereotypical offender, the "dirty old man", the "sex fiend", and the "pervert" (Gordon, 1988:59). Child protection agencies concentrated their efforts on uncovering child prostitution, paedophiles and pornography rings that sexually exploited and abused large numbers of children. While such offenders did and still do exist, they drew scrutiny further away from the home and family causing the relationship between victim and offender to be overlooked. The child usually knew these apparently non-familial offenders. They were frequently neighbours, or respected members of the community, who had access to children in privacy. Society, encouraged by Freud's Oedipus theory, was more comfortable with the stereotypical image of an offender. Social workers and child protection agencies became increasingly reluctant to investigate complaints of intra-familial child sexual abuse; neither did they recognise the indicators observed in children as being symptomatic of sexual abuse. This was further encouraged by dominant academic perspectives such as the psychoanalytical explanations of Freud and the anthropological interpretation of Levi-Strauss (Gordon, 1988:60). Levi-Strauss emphasised the incest taboo, its role in the development of civilisation and the assumption that it operated because it would be otherwise too destructive.

Late Twentieth Century

The rediscovery of incestuous child sexual abuse in the 1970s was not a rediscovery as such, but another reinterpretation that emerged slowly. This was derived from the physician led re-identification of non-sexual child abuse as a social problem in the 1960s, influenced by the New Left's critique of the power imbalance within the family (Gordon, 1988:61). Without feminist input, incestuous child sexual abuse first reappeared as a gender-neutral problem and resulted in all definitions of intra-familial child sexual abuse being collapsed into the one classification of incest. Many child abuse experts throughout the 1970s ignored gender differences and focussed on innovative explanations. Gordon outlined the explanation of Kate Rist, a social worker, who argued that the societal prohibition between mother-son incest was

much stronger than the prohibition between father-daughter incest because the former was more likely to occur than the latter. The weakness of the prohibition, according to Rist, was the very reason why father-daughter incest occurred more often. Rist's explanation highlighted just how influential patriarchal explanations for child sexual abuse were.

The second wave of feminism in the 1970s, by contrast to the first wave, gave rise to consciousness-raising groups that addressed issues of inequality and established rape crisis centres and incest survivors' groups (Briar, 1994:256). These groups prompted the first public discussion on child sexual abuse since Freud's recantation of his seduction theory some fifty years prior (Dinsmore, 1991:13). Women initially began by speaking out about rape and sexual violence, and gradually they began to speak out on incest and other forms of child sexual abuse. Research began to appear. The first theorist on child sexual abuse was Florence Rush, also a survivor. She spoke publicly on the subject at a two day conference convened by radical feminists in New York City, April 1971. The paper she delivered at this conference formed the basis for her book "*The Best Kept Secret: Sexual Abuse of Children*" (Rush, 1980:viii). No longer isolated, women began to understand that their victimisation was not due to a flaw in their character (Dinsmore, 1991:13). Feminists began to formulate explanations that talked about the sexual violence of men, the power imbalance between adults and children, between men and women, and the role of patriarchy within these relationships. The emphasis remained on incest, which continued to incorporate all forms of child sexual abuse. In 1983 Andrea Dworkin said in a speech:

Incest victims are now organizing, and they are organizing politically. One of the reasons they are organizing politically and not psychiatrically is because they understand that it is the power of the father in the family that creates the environment that licenses the abuse...The power of the father is what makes women and children a political underclass.

(Armstrong, 1996:74)

Despite this speaking out, the conspiracy of silence continued through the 1980s, as did the denial of feminist voices. Personal voices, the stories of victims, were heard but political voices were filtered out (Armstrong, 1996:76). Society appeared to be

willing to listen, creating an illusion of change and progress. The issues underlying the stories were rendered invisible, social discomfort was rendered unnecessary and those attempting to highlight the issues were rendered irrelevant. This enabled the sexual abuse of children, and all other forms of violence against women, to be moved towards medicalisation. This move was encouraged by the demands of power groups responsible for the provision of funding, who were more willing to fund programmes where the definition was framed in a psychosocial context, or victim pathology. Louise Armstrong (1996:77-78) argued that this led to an establishment of the incest industry: large numbers of clinicians, counsellors, therapists, researchers, authorities and experts who pursued careers premised on all forms of child sexual abuse and its aftermath. The emphasis was on the treatment of both victims and offenders, keeping families intact and identifying the collusion of mothers. By the early 1980s, American statutes faulted mothers who knew or should have known their children were being sexually abused, or because they failed to protect their children from sexual abuse (Armstrong, 1996:118). There was no censure of the offender, neither was there any acknowledgment that child sexual abuse was a crime: a deliberate act of aggression. Armstrong (1996: 78-79) claimed that this was "...the Age of No-Fault Abuse".

A number of factors through the 1980s combined to minimise the issues underlying the sexual abuse of children. Of note was the moral panic fuelled by allegations of satanic ritual abuse (Hill, 1994:303). Christian Fundamentalists believed that the world was in the "near end" state predicted by the Book of Revelations: the forces of evil would be particularly strong just prior to the end of the world and the second coming of Christ. A fundamentalist goal was the re-domestication of American mothers, and perhaps not coincidentally, fundamentalists capitalised on these accounts of satanic ritual abuse, focussing on the allegations of sexual abuse in child care centres. In 1984 two large-scale child sexual abuse cases, one of which was the McMartin Pre-school case, were prosecuted through the American criminal justice system. Investigations commenced into the McMartin case in late 1983 (Armstrong, 1996:109). By 1984, 400 children had been interviewed, of which 350 claimed they had been sexually abused by one male teacher and six female teachers (Armstrong, 1996:111). The preliminary hearings alone lasted 20 months and exceeded a cost of \$US 6 million (Armstrong, 1996:112). The case eventually went to trial in mid 1987

and the children related experiences that appeared to be ritualistic and satanic in nature. The defence claimed the children had been brainwashed and questioned the interviewing techniques of social workers and interviewers. No convictions were made.

This multi-victim/multi-offender case, and others like it, made the historically permitted sexual abuse of children appear almost normal by contrast, and instigated a backlash against incest and child sexual abuse, giving rise to Victims of Child Abuse Laws (VOCAL) (Armstrong, 1996:101). These specific cases were not the real concern for VOCAL, but they were able to take advantage of the publicity they generated as a vehicle to undermine the credibility of all allegations, against, in particular, middle-class white males. A number of explanations emerged that supported the argument that false allegations were the norm, as opposed to infrequent occurrences. Such arguments included False Accusation Syndrome, which explained the apparent epidemic of false allegations (Armstrong, 1996:105), Parental Alienation Syndrome, and False Memory Syndrome, where memory has been distorted or confabulated. Parental Alienation Syndrome was defined by Dr Richard Gardner as an emotional disorder, manifested by the mother and children being so intent on driving the father away that they made false accusations of child sexual abuse (Armstrong, 1996:239). False Memory Syndrome led to the establishment of the False Memory Syndrome Foundation (Armstrong, 1996:238). Members of this organisation, established by Pamela Freyd in 1991, have tended to be those who have claimed to be wrongfully accused of sexually abusing children.

Parallels could be drawn between developments in the United States of America and developments in New Zealand. During the 1990s, a decade later than the United States of America, New Zealand witnessed cases of multi-victim/multi-offender sexual abuse in Christchurch and Wellington. In 1991, a Christian sexual abuse therapist from the United States spoke about the satanic ritual abuse of children and its apparent association with multiple personality disorder (Hill, 1994:304). About the same time, two social workers presented a Ritual Abuse Workshop at a Family Violence Prevention Conference in Christchurch. They claimed that "... ritual abuse occurs without parents knowing, at pre-schools, day-care centres, churches, summer camps, and at the hands of baby sitters and neighbours, it is likely to be so here in

this country” (Hill, 1994:304). These claims were widely reported in the media and within three months the police investigation into the Christchurch Civic Crèche had commenced. In 1992, Peter Ellis, a Christchurch Civic Crèche worker, was arrested for sexually abusing children in his care at the crèche. Some months later, four female crèche workers were arrested on similar charges but were discharged prior to the trial (McLoughlin, 1996:56). In 1993, Ellis was found guilty on 16 charges of offences against seven children. David McLoughlin (1996:63) pointed out that this case was almost a carbon copy of the American day-care cases; the descriptions of the abuse were ritualistic and satanic in nature, interviewing procedures were similar, and they involved middle class parents and relatively less affluent crèche staff. A controversial television interview confirmed the link between Christian fundamentalism and the Detective Inspector in charge of the case, who stated, “Really what I’m saying is that I actually believe in a God who will not be mocked” (Hill, 1994:304).

Carroll du Chateau (1993) discussed a child sex abuse industry in a Metro article in March 1993. This article discussed similar issues highlighted by Armstrong, questioned prevalence rates and raised the issue of false allegations. As in the United States of America, groups upholding the rights of fathers have emerged. Felicity Goodyear-Smith established a support group for victims of false allegations after her husband was convicted of child sexual abuse, which involved children living in the Centrepoint commune founded by her father in law, Bert Potter. New Zealand criminal defence barristers have used False Memory Syndrome to discredit the testimony of child sexual abuse survivors. Peter Williams, QC, and Christopher Harder reportedly made comments to a journalist on recent child sexual abuse cases they had defended for allegations up to 10 years old in Williams’ case, and up to 40 years old in Harder’s case (Chisholm, 1995). Williams stated there had been a “rash of false sex allegations...sparked by therapists suggesting incest or sex abuse as a possible cause of later emotional distress”. The inference in this article was that therapists had influenced the survivors in both these cases and that their memories were false. Williams and Harder incorrectly claimed that the survivors in these two cases had recovered their memories of abuse¹⁰.

¹⁰ The victims referred to by Williams and Harder have been interviewed in this research project.

While the conspiracy of silence surrounding the sexual abuse of women and children has been challenged, the construct of denial has persisted. Many people have continued to disbelieve incidence and prevalence rates of women and children who have been sexually abused, and the crimes of child sexual abuse and rape have continued to be the most difficult crimes to prove guilt and subsequently secure a conviction (Dinsmore, 1991:12). The belief that women and girls fantasise about rape has permeated throughout society. Christine Dinsmore (1991:12-13) exemplified that this belief has continued to impact on today's society by referring to the comments of Judge William Reinecke¹¹. In his statement explaining his release of a man, convicted of sexually assaulting the five year old daughter of his lover, to a work release programme, he said "I am satisfied that we have an unusually sexually promiscuous young lady, and he did not know enough to refuse. No way do I believe the man initiated sexual contact". More recently in New Zealand, Justice Morris was reported to have said in his summing up for a rape trial that "...if every man stopped the first time a woman said "No", the world would be a much less exciting place to live" (Quaintance, 1996:3). Peter Williams QC, a prominent Auckland criminal defence lawyer commenting on this case, reportedly said that this "...kind of behaviour was acceptable if done "with romance", there was no violence, and the woman eventually said, "Yes"" (Quaintance, 1996:3). As women have been well aware, violence could take many forms and some forms have been extremely subtle. Comments such as these have served to highlight how patriarchal our society has remained.

In summary, the sexual abuse of children has been documented as being historically permitted. The evidence has revealed that its scope has been extensive and overwhelming. Centuries of programming populations to accept the rights of men to exercise sexual power and privilege (Rush, 1980:196), have negated any campaigns for equality and justice on behalf of women and children. Men have not been held

¹¹ Dinsmore did not note the locality of this case. The Feminist Chronicles (on line at <http://www.feminist.org/research/chronicles/fc1982.html>) described Reinecke as a Circuit Judge of Lancaster, Wisconsin in the United States. The case was heard in 1982, the offender was a 24 year old male, and the victim was referred to as the aggressor by Judge Reinecke in his statement from the bench.

accountable for their actions. Children have been held accountable. In some instances mothers, who have been unable to protect their children because of the conspiracy of silence, have also been held accountable. Authorities throughout history have been able to ignore the sexual abuse of children and condone the sexual manipulation of women and children. Respected scholars, such as religious leaders and psychiatrists have validated the construct of denial, providing alternative explanations for the sexual abuse of children. Absent from this narrative has been the experience of men who were sexually victimised as children. Despite this, it has been very clear that the presence or absence of a strong feminist movement has impacted on how the evidence would be interpreted and ultimately how explanations for child sexual abuse would be formulated.

Explanations for Child Sexual Abuse

The historical analysis has highlighted that patriarchy and the misuse of power have been inextricably woven into the experience of victims of child sexual abuse. The way in which children have understood their circumstances has been influenced by the interpretation of adults around them. The same could be said for adult victims of child sexual abuse as they have confronted issues from their childhood. Most children have been unable to name their experience. It has not been until adulthood that they have understood their experience was abusive. Their experiences have been so distorted throughout history, that victims have been forced to maintain a conspiracy of silence to protect themselves. If victims of child sexual abuse could not identify their experience with those described by theorists, they have been less likely to break the conspiracy of silence. In the following section I have discussed the predominant mainstream theories for child sexual abuse and have highlighted that they too have contributed to the conspiracy of silence. Given the historical context of child sexual abuse these theories have been reviewed from a feminist perspective.

Psychoanalysis

Each society throughout history has had an incest taboo that has supposedly precluded sexual relationships between bloodline relatives. The way this has been defined has varied between cultures (Dinsmore, 1991:11). Anthropologists and

sociologists have debated the prevalence of the incest taboo and the reasons for its existence. They have contended that the incest taboo has been the most universal of all rules, while sociologists have argued that this has been culturally and socially determined (Ames and Houston, 1990:335). Empirical evidence has revealed an increased incidence of congenital birth defects among children whose parents were blood relatives. Whether the adoption of the incest taboo was biologically or sociologically driven, it could be assumed that this pattern of behaviour was inherited from our ancestors (Ames and Houston, 1990:336). Its existence has indicated that there was a perceived need for an incest taboo, but it should be noted that the essence of the taboo appeared to be more to do with the survival of the species as opposed to the protection of children. Furthermore, there has appeared to be no similar universal consensus that adult-child sex outside of the nuclear family should be avoided (Ames and Houston, 1990:334). Yet the logic of the incest taboo has enabled assumptions to be made, regarding its effectiveness in protecting children from incest, when clearly it has not been effective.

Freud understood sexuality as an instinctive force that required restraint and control to ensure a stable social order (MacLeod and Saraga, 1988:29). He understood the incest taboo as the main deterrent or primary restraint against fathers sexually abusing their daughters. When Freud recanted his theory of hysteria and substituted the Oedipus theory he effectively denied the reality of father-daughter incestuous relationships. Rush (1980:82) analysed Freud's personal and intellectual conflicts and argued "...that while he knew that the sexual abuse of children existed he could not reconcile the implications of such abuse with other men of his class and thus he altered his telling of reality". However, if it were claimed that women were sexually abusing their children, Freud did not offer any construct of denial for this relationship (Rush 1980:83). In Sophocles' play, "Oedipus the King", incest was portrayed as a mother-son sexual relationship, the father was the holder of the law, and the "goddess" was invisible: a representation of a truly patriarchal world (MacLeod and Saraga, 1988:29).

Offenders have frequently accused children of lying, yet the evidence has not supported this, apart from a small number of cases involving custody disputes where children have been coached to corroborate allegations (Dominelli, 1991:20). Lena

Dominelli (1991:19) commented that children who have been abused have often been blamed for their abuse, as have adult women who have been raped or battered. These concepts have been evident in the interpretations of many writers. To exemplify these concepts, Lynette Briggs (1992:23) cited Bender and Blau (1937) who referred to victims of child sexual abuse as having charming and attractive personalities, inferring that it was the victims themselves, and not the men, who initiated an abusive relationship. She also referenced Weiss (1955) who assumed that the continuation of an incestuous relationship could only occur with the collusion of the victim.

Theoretical discussions on child sexual abuse that have been framed in a psychoanalytical context have been underpinned by a patriarchal ideology. This has been highlighted by the general understanding held by psychoanalysis that sexual victimisation could predispose male victims to becoming offenders (MacLeod and Saraga, 1988:31). Such men were said to be demonstrating acute anxiety related to sexual adequacy and fear of castration, and were directing rage towards their mothers or other women. Psychoanalysis adopted an individual theoretical approach but it did not query the association of powerlessness, violence and male sexuality (MacLeod and Saraga, 1988:31). This approach has enabled offenders to be absolved of any responsibility or accountability. Further it has abandoned offenders, who were predominantly male, to uncontrollable sexuality and misogyny. Yet, at the same time, it has endowed survivors of child sexual abuse, who were predominantly female, not only with the ability to overcome the trauma of child sexual abuse, but also with the ability to exercise restraint in their choice at not going on to become an offender. Freud's profound influence on psychoanalysis and its subsequent support of the mythology of incest might have facilitated the denial of child sexual abuse but it has not misunderstood the trauma (MacLeod and Saraga, 1988:30). Furthermore, psychoanalysis has contributed much to therapeutic knowledge and has enabled an understanding of the ambivalence children have felt about the person who has abused them.

Libertarianism

Libertarian arguments concentrated on establishing the existence of childhood sexuality and highlighting its denial or repression (MacLeod and Saraga, 1988:24). From this stance, libertarians argued that childhood sexuality has been a normal part of human sexuality. If guilt about sex were eliminated and knowledge were available, consensual sexual relations between adults and children would not be harmful; children who did not want a sexual relationship would be empowered to say no and sexually liberated adults would not need to pursue a sexual relationship with children (MacLeod and Saraga, 1988:26).

The libertarian perspective, which was the predominant approach to child sexual abuse in the 1970s, has left two ideas that have proved extremely difficult to remove: “it is intervention rather than abuse which causes trauma; and children can participate willingly in sexual activity with adults – indeed they desire it” (MacLeod and Saraga, 1988:25). Offenders, frequently, have justified their actions by arguing that a sexual relationship between adults and children was not harmful, and they were merely expressing their love for the child (Dominelli, 1991:19). Libertarians maintained that there was “...nothing inherently harmful or problematic about adult-child sexual relations” (MacLeod and Saraga, 1988:26). They argued that it was the reaction of society that caused the problem, not the sexual relationship.

The extreme form of libertarianism has been evident in the philosophies of such organisations as the Paedophile Information Exchange, the North American Man Boy Lovers Association and The Rene Guyon Society with its slogan of “sex by eight or its too late” (Wood, 1997:643). These groups, which gained popularity through the 1970s, used language synonymous with sexual libertarianism of the 1960s to argue that age of consent laws denied children their right to sexual expression. Many of these groups have continued to exist around the world, facilitated by the advent of the Internet.

While aspects of the libertarian argument had some credibility, such as sexual liberation, access to knowledge and the recognition that children were sexual beings, there has been a sufficient body of evidence to refute the claim that sexual relations

between adults and children were not harmful (MacLeod and Saraga, 1988:26)¹². The libertarian argument did not account for the unequal power relations between adults and children. Nor did it account for a child's inability to give any form of consent, which could only be given on the basis of knowledge, understanding and equality of relationship. Due to their cognitive development and limited access to information, children have limited understanding and incomplete knowledge. Their position in the family and their dependency on adults has not enabled a relationship based on equality. Despite the body of evidence that has challenged the libertarian perspective, some elements have continued to remain influential.

Family Dysfunction

This theoretical perspective focused on the dysfunctional family in which the abuse occurred. Derived from systems theory, it described families as systems that organise themselves to maintain a steady state (MacLeod and Saraga, 1988:32). This was achieved by two levels of functioning: a surface action of the roles and relationships observable in a family and a deeper level of underlying needs and emotions (MacLeod and Saraga, 1988:33). In a functional family the underlying needs were satisfied through the surface actions. In the dysfunctional family these needs were not met and the various parts of the system, the family members, made compensatory interventions to maintain a homeostatic or steady state (MacLeod and Saraga, 1988:32). A common argument made by offenders has been that his wife, or partner, had not satisfied his sexual needs for a variety of reasons (Dominelli, 1991:21). The sexual abuse of children within the family was therefore seen as a symptom of a dysfunctional family (MacLeod and Saraga, 1988:33). This approach assumed that a family was functional when men's needs were met. If women were to meet men's needs, a dysfunctional state would be avoided (MacLeod and Saraga, 1988:34). It did not explain the fact that children were abused predominantly by men. Further the father's behaviour was discussed within the parameters of the mother's rejection or

¹² The long-term psychological impacts of child sexual abuse have been confirmed and documented in the literature (Prentky & Burgess, 1990:108). Research regarding the economic consequences of child sexual abuse has emerged only over the last decade, but these too are substantial. The economic consequences of child sexual abuse have been discussed in detail in Chapter 4: Economic Consequences of Child Sexual Abuse.

withdrawal. Whether intentional or not, male sexuality was depicted as driven and uncontrollable, and women, through their rejection or withdrawal, were therefore responsible for controlling men's sexuality. The reasons why a woman might not want to have a sexual relationship with her partner were not explored. While the theoretical perspective of family dysfunction might provide a description of what was occurring, it has not provided an explanation as to why it was occurring.

Subcultures and Cycles

Cultural theories suggested, despite the lack of evidence, that in some communities, groups and cultures intra-familial child sexual abuse was acceptable (MacLeod and Saraga, 1988:35). David Finkelhor and Larry Baron (1986a:69) reported that studies consistently have failed to find any differences in rates of sexual abuse between black communities and white communities. They cited Gail Wyatt's study (1985) and the doctoral dissertation of Stefanie Peters (1984), which were specifically designed to investigate differences (Finkelhor and Baron, 1986a:70)¹³. Neither of these studies found any differences in offending rates between black and white communities. However, other studies have found some differences between other ethnic groups. Finkelhor and Baron (1986a:71) referenced Diana Russell's (1986)¹⁴ findings, which indicated a non-significant increase of intra-familial child sexual abuse among Hispanic women. She was also reported to have found that a significantly low rate of intra-familial child sexual abuse existed among Jewish and Asian women. Finkelhor and Baron concluded that ethnic differences were worthy of further analysis.

Lower socio-economic groups have been relatively powerless and have been subjected to a higher level of scrutiny and interventionary processes from various agencies, such as the police and social welfare organisations. Greg Newbold (1992:136) highlighted that there appeared to be an inequality in the application of

¹³ Gail Wyatt's study was based on a community survey conducted in Los Angeles. Stefanie Peters' study was a follow up to Wyatt's. Both studies, designed to investigate differences between black and white Americans, found little difference (Finkelhor and Baron, 1986:70)

¹⁴ Dianna Russell's study, conducted in San Francisco, interviewed 930 randomly selected women (Lapsley, 1993:17).

the law. He argued that lower socio-economic groups were disadvantaged in relation to frontline policing and the judicial process, including the trial and sentencing of offenders. By contrast, higher socio-economic groups were better equipped to conceal any kind of abuse that occurred within the family (Brown, 1984:262; Briggs, 1992:26). They had more resources to access private physicians who in turn might be reluctant to report suspected abuse within such families. Finkelhor and Baron (1986b:52) argued that our current knowledge informed us more about the system that identified child sexual abuse than the class distribution of child sexual abuse. Rush (1980:2) argued that offender behaviour crossed all social, economic and racial boundaries. Offenders could "...be found in every social and economic class; they are politicians, teachers, church officials, athletes, men in the working class and also derelicts and prowlers" (Rush, 1980:174). The relationship between the sexual abuse of children and social class has not been causal. While it has been possible to establish a relationship between the physical abuse of children and poverty or stress (Brown, 1984:263), the same relationship has not existed for the sexual abuse of children. As Finkelhor and Baron (1986a:80) argued, girls from lower socio-economic groups were at no more risk than those from other socio-economic groups. Child sexual abuse has appeared to be quite democratic in its social distribution. Cycle of abuse theories, as an explanation for child sexual abuse, drew attention away from middle and upper socio-economic groups, and, by encouraging increased scrutiny of lower socio-economic groups, provided apparent proof.

Cycle of abuse theories have been based on data derived from retrospective studies and have tended to focus on the broader definition of physical child abuse (Tomison, 1996:6). The difficulty has been that studies based on the cycle of abuse, provided information only about those adults who had been abused in childhood and had gone on to abuse their own children (Tomison, 1996:2). They did not provide any information about those adults also abused in childhood who had not gone on to abuse their children. Neither did they provide any information about adults, victimised as children, who had not entered an abusive relationship. It has been difficult to estimate the proportion of child abuse victims who have gone on to become child abusers. Although Adam Tomison pointed out that retrospective studies had the potential to either under-estimate or over-estimate the rate of intergenerational child abuse, he noted that retrospective studies were commonly

understood to over-estimate rates and attributed this to methodological flaws. Firstly, he argued that some offenders might have falsely reported abuse in their childhood, leading to an over-estimation of intergenerational abuse: conversely others might have chosen not to report a history of abuse, leading to an under-estimation of abuse. Secondly, Tomison argued that the definitions and concepts of child abuse have changed over time. It has generally been understood that, the broader the definition, the more evidence there has appeared to be supporting intergenerational transmission of abuse.

Despite the limitations of retrospective studies, professionals working in the field have generally accepted the intergenerational nature of physical abuse, and it has been suggested that child sexual abuse was likely to be transmitted in the same manner. Tomison (1996:6) pointed out that studies supporting this argument have been based predominantly on incarcerated offenders who, as a minority group of all child molesters, were likely to be representative of the more severe and chronic forms of offending. Therefore, data derived from incarcerated populations should be treated with caution. Mary MacLeod and Esther Saraga (1988:35) argued that if all men who abused their daughters had been sexually abused as children there would be a disproportionate number of boys abused as children. Given the frequency of child sexual abuse, any relationships between parents who were victims and children who were sexually abused could well be coincidental. There could be a correlation between child sexual abuse and adult offending but this relationship has yet to be determined as causal. Intergenerational or cycle of abuse theories have not explained the occurrence of extra-familial child sexual abuse. More importantly these theories have inferred that individuals were not to blame for their actions, a notion that has been internalised by victims. The offender has been seen as a victim of his childhood. In turn, mothers, because they were sexually abused as children, were blamed when their own children were sexually abused (MacLeod and Saraga, 1988:37).

Mother Blaming

The extent of mother blaming in the literature should not be under estimated. Mothers of sexually abused children were frequently blamed for not protecting their

children (Dominelli, 1991:21). Mother blaming was particularly apparent in the family dysfunction model (MacLeod and Saraga, 1988:36). If the mother was unable to meet the sexual needs of her partner, she was putting her children at risk. If she was away from the home for prolonged periods of time, or was sick, and the father had to care for the children, again the mother was putting her children at risk. If the mother was absent for any reason, the father in the role of primary caregiver, therefore, had ample opportunity to sexually abuse a child. Again, the male required external constraints to overcome his internal inhibitions and it was the female's responsibility to ensure that he did not sexually abuse his child (MacLeod and Saraga, 1988:37). If opportunity were the important factor in the sexual abuse of children, mothers would be responsible for high rates of offending (MacLeod and Saraga, 1988:6). The feminist response to mother blaming has been to put the blame back with the perpetrator of the abuse (Dominelli, 1991:21).

When mothers claimed they did not know a partner was sexually abusing their children, they were frequently disbelieved and labelled as collusive. It was presumed that mothers would know their children were being sexually abused (MacLeod and Saraga, 1988:37). Through their lack of knowledge, power and subsequent inability to stop the sexual abuse of their children, mothers have somehow facilitated the abuse. MacLeod and Saraga argued that "...we have all absorbed the ideology of motherhood: mothers are supposed to care and protect us; we blame them when things go wrong; often they are the only safe recipient of children's anger". The anger survivors have directed at their mothers should not be mistaken for evidence of collusion. Some mothers might have refused to believe that their child has been sexually abused. They might have been angry with the child and blamed them for the abuse, or blamed themselves for not protecting the child (MacLeod and Saraga, 1988:38). Denial, anger and guilt have been the accepted stages of grief for any loss and everyone has worked through these stages at their own pace: some have never moved beyond denial. Societal expectations of a mother's ability to keep her children safe have been very high. These expectations have been unrealistic for a person who has lacked equality and power in a society that has condoned the sexual abuse of children for centuries.

Definitions of maleness and the expectations of the male role have been embedded in our society. These definitions and expectations have encouraged the rise of myths, which in turn have provided the justification for the behavioural choices of sex offenders (Dominelli, 1991:33). These have included: men have needed a lot of sex, men could not abstain from sex for too long, men have been driven to get sex from somewhere, women have been sex objects, women have lured men into sex, women have been responsible for how far men go sexually (Dominelli, 1991:31). As we have absorbed the ideology of motherhood, so we have absorbed the patriarchal ideology of maleness. The patriarchal society has embedded these myths into theoretical perspectives that have become powerful defence systems against admitting the male abuse of power. It has been an integral part of the recovery process for the victim to reconstruct the reality of the abuse experience. Patriarchal myths have become so well entrenched that victims of child sexual abuse and their mothers have readily assumed and maintained a sense of responsibility.

The explanations derived from the theories described above focused on the experiences and characteristics of the offender, the sexuality of the child and the supposed shortcomings of the mother. They have not discussed the offender in terms of responsibility and accountability for his actions. They have not explained the predominance of men as offenders. They have not explained sufficiently the factors that have motivated some men to offend, while other men with similar experiences have not offended. Irrespective of whether the abuse has been intra-familial or extra-familial they have not differentiated between those offenders who sexually abused socio-legal children, biological children or those offenders who have not discriminated between these two groups of children. Yet it has been recognised that the pathology of offenders who sexually abused their own children or children related to them has been different from that of offenders who targeted children not related to them (Ames and Houston, 1990:340). Furthermore these explanations have not emphasised that before a child could be sexually abused there must be a person motivated to sexually abuse. The model described in the following section has emphasised this factor.

A Model for Child Sexual abuse

Finkelhor and Baron (1986a:86-87) advocated the use of Finkelhor's (1984) "Four Preconditions Model of Sexual Abuse" and argued that all four preconditions had to exist for sexual abuse to occur. These preconditions were:

1. There must be an offender with the motivation to sexually abuse,
2. The offender must overcome internal inhibitions against abusing,
3. The offender must overcome external obstacles against abusing, and
4. The offender must overcome resistance by the child.

These four preconditions have highlighted that the first two preconditions must exist before the second two preconditions could make a difference.

David Finkelhor and Sharon Araji (1986:89-118) reviewed the various theories that attempted to explain why men sexually abused immature children. They argued that these explanations, as primarily single factor theories, were unable to stand alone as an explanation for child sexual abuse (Finkelhor and Araji, 1986:92). They contended that the use of a more complex model of child sexual abuse more adequately reflected the reality of child sexual abuse. Finkelhor and Araji proposed a model that integrated these single factor explanations, irrespective of whether they were psychological or socio-cultural in origin. Within this model, single factor theories did not compete with each other as an explanation for the sexual abuse of children, but complemented each other and enabled more than one factor to explain the creation of a sexual interest in children. Their review of the literature enabled them to identify a framework in which the various theories could be organised into four categories. Finkelhor and Araji argued that the various explanatory theories for child sexual abuse were attempting to explain one of four factors: emotional congruence, sexual arousal, blockage and disinhibition.

Emotional Congruence

These theories have attempted to explain why a person could receive sexual gratification from a child, as opposed to an adult, and have supported the assumption that the characteristics of children have met the emotional needs of some adults

(Finkelhor and Araji, 1986:92-96). Emotional congruence theorists have argued that child sexual abuse offenders have arrested psychosexual development, emotional immaturity or low self esteem and that a sexual relationship with a child made them feel powerful, omnipotent, respected and in control. Many researchers have concurred that paedophiles were immature or inadequate and there has been some evidence to suggest that a paedophile could be attracted to children because their lack of dominance has represented them as weak and non-threatening objects. Finkelhor and Araji noted the value that males have placed on dominance, being the initiator of sexual relationships and having a youthful and subservient partner. However, they argued that this has not necessarily explained why paedophiles have pursued a sexual relationship with children. Finkelhor and Araji observed the similarity between some of these explanatory theories and the feminist argument of normal male socialisation.

Sexual Arousal

Theories exploring sexual arousal have attempted to explain an adult's sexual arousal by a child (Finkelhor and Araji, 1986:92-105). Early childhood sexual experiences or a history of sexual abuse and cycles of abuse or intergenerational arguments were included in this category, as was pornography and biological factors. Finkelhor and Araji pointed out that despite the lack of evidence many theorists have considered biological factors. They cited Berlin and Coyle (1981) who concluded that hormonal levels measured in paedophiles did not explain the sexual abuse of children. Some theorists have argued that offenders were conditioned to inappropriate sexual arousal through either their own experience as a child, or, for example, exposure to pornography which became incorporated into sexual fantasies as adults. Others have argued that a process of attributional error was responsible, in that some adults have confused normal parental feelings for their children with sexual feelings and therefore have initiated an inappropriate relationship. Finkelhor and Araji found some evidence, in their review of explanatory theories, to support claims that some offenders were sexually aroused by children, but they commented that it was unclear if this applied to all offenders, particularly incestuous offenders. As with emotional congruence theories, sexual arousal theories have not provided a complete explanation for the sexual abuse of children.

Blockage

Blockage theories, based on the presumption that the normal preference of adults was to fulfil their needs with adult peers, have attempted to explain why offenders were frustrated or blocked in their attempts to obtain sexual gratification with an adult. Finkelhor and Araji (1986:106-108) found that these theories could be further subdivided into developmental blocks and situational blocks. Developmental blockage theories, related to individual psychological theories, have been based on Oedipal conflicts, which prevented a person moving into the adult heterosexual stage. Situational blockage theory encompassed those theories that have investigated adults who were blocked from normal sexual outlets, as described above in the family systems explanations. Although a similarity was recognised between these theories and those of emotional congruence, there was an important difference. Finkelhor and Araji argued that in blockage theories, children became emotionally congruent for adult offenders for want of anything better, as opposed to being a compelling object of interest, which has been the argument of the emotional congruence theorists.

Disinhibition

This group of theories have attempted to explain why conventional social restraints and inhibitions, such as the incest taboo, have not deterred an adult against having a sexual relationship with a child (Finkelhor and Araji, 1986:92). However, stepfathers have appeared to be less inhibited from molesting their children than biological fathers (Finkelhor and Araji, 1986:117). Theories included in the disinhibition category were those related to impulse control, senility and mental retardation as predisposing factors for offenders. Finkelhor and Araji (1986:113-116) in their review of the literature, found little evidence to substantiate these theories. Alcohol-related disinhibition has been a significant factor in many research studies, varying from a presence in 19% of cases in a German study, to 49% in an American study. Furthermore, the use of alcohol appeared to be more prevalent for incestuous offenders than non-incestuous offenders. Finkelhor and Araji argued that feminist theories were "...essentially disinhibition-type arguments." Social and cultural factors that have encouraged or condoned the sexual abuse of children have functioned as a disinhibitor and have included: the sanctioning of the sexual abuse of children throughout history, the reluctance of the legal system to prosecute offenders,

the tendency for victim blaming, and finally the excesses of patriarchal and parental authority. In the disinhibition group of theories, there were only two strands that have been validated by research. The first strand has been premised on the incest taboo: a child living with a stepfather has been at greater risk than those living with biological fathers. The second strand, which also had the most empirical support, has investigated the extent of alcohol as an influencing factor. Finkelhor and Araji did not discard feminist theories, but noted there was no research aimed at confirming the existence of an attitudinal or cultural norm theory of child sexual abuse – that offenders held more patriarchal attitudes that legitimate a sexual relationship between an adult and a child than those who did not sexually abuse children.

Finkelhor (1986:126) commented that the literature appeared to ignore that men have had a monopoly on the sexual abuse of children. Despite the challenge that female offending has been obscured and underestimated, Finkelhor noted there was little evidence to support this challenge. He argued that more than 90% of offenders appeared to be men, and of those women who did offend, more often than not they have been coerced by a male co-offender. Finkelhor commented that the four groups of explanatory theories that he and Araji had reviewed did not seem to apply to females. If they did, there would be at least approximately equal numbers of male and female offenders. Given the number of female victims of child sexual abuse when compared to male victims, there should be substantially more female offenders than there were. Finkelhor (1986:127-128) argued that these theories did not apply to females because of the differences in the socialisation of gender roles for both males and females. He asserted that "...[g]ender, as a variable, appears to interact with virtually every other variable proposed by every other theory", and concluded that this male monopoly could be a touchstone for all theories of child sexual abuse. Therefore theories should explain not only why adults sexually abused children, but also why this applied to primarily males and not to females.

The model for child sexual abuse, described by Finkelhor and Araji, has appeared to concentrate on the sexual abuse of biological children, or child sexual abuse that could be described as paedophilic abuse. This has limited the scope of the model. As I noted in the previous chapter, the range of victims' experiences was much broader. This model has not accommodated those offenders who have sexually

victimised a child throughout his or her childhood and continued the abuse as the victim matured into an adult. Neither has it accommodated sexual abuse that has commenced at the end of biological childhood.

A Feminist Analysis

A feminist analysis has recognised that issues of gender have been central to an explanation of child sexual abuse, as it has been to a feminist explanation of all violence perpetrated by men against women and children. It has focused on why men sexually objectify children (MacLeod and Saraga, 1988:40), as opposed to why some men have found children sexually appealing. Feminists have found answers in historical and cultural representations of masculinity, femininity and sexuality. The analysis of the historical perspective of child sexual abuse earlier in this chapter confirmed that male dominance has been structured into the organisation of society for centuries. Women and children have been socialised to be submissive while men have had the power to sell, abuse and murder women and children (Solomon, 1992:476). The history of misogyny in the Western world has been identified in all aspects of our culture (MacLeod and Saraga, 1988:40). Male sexual dominance and the desirable, submissive qualities of females have permeated respectable and popular literature, the arts, all forms of entertainment and commercial advertising. The family has contributed to the continuation of the patriarchal system by socialising children into their appropriate gender roles, attitudes and personality characteristics (Solomon, 1992:476). Males have traditionally been socialised to be aggressive and to associate sexual conquest with personal success and power (MacLeod and Saraga, 1988:41). On the other hand, females have traditionally been socialised into the submissive roles of nurturing and caring for their children and husbands.

Feminist theory has understood the sexual abuse of children not only as an expression of sexuality but also of power (Solomon, 1992:477). Feminists have emphasised that the power relations between adults and children have not been equal (Dominelli, 1991:19). Tomison (2000:7) noted there was a growing recognition of the relationship between domestic violence and child sexual abuse. Arguing that domestic violence has been an overt expression of male domination or male power

within the family unit, he theorised that child sexual abuse could be a function of the misuse of personal power. Jennifer Solomon (1992:477) argued that in the male dominated family structure of a patriarchal society, authority has been passed down from the male or father, to the female or mother. The young, male child has had symbolic power representative of the position he would assume as an adult, and this could have protected him from female sexual abusers. The position of the young, female child has been totally without power: she has been at the bottom of the authority structure. The mother's position of very limited power within the family has provided little deterrence against a male perpetrator.

Objectifying the sexuality of others has not been a biologically determined masculine characteristic: women have done so too. Dominelli (1991:21) interpreted gendered power relations as relevant to explanations for female offending and argued that female offenders have defined their relationship with the victim in a manner that was "...consistent with men's socialisation as the dominant sex". This could account for the incidence of female offending that has occurred in the absence of any male coercion. Given the female's lack of power in the family, it has not been surprising that female offending frequently has been associated with a male co-perpetrator (Solomon, 1992:480).

MacLeod and Saraga (1988:43) argued that it has been "...a particular construction of masculinity that enables men to sexually abuse children". Those men who have been socialised into this particular construction of masculinity have believed in their rights as males to have their needs met (MacLeod and Saraga, 1988:41). Obviously not all men have seen this as their right and have not resorted to the sexual abuse of children. However some have and they have appeared driven to constantly repeat it. In some way the socialisation of all males has not been the same, otherwise all men would sexually abuse children. Until it has been recognised that child sexual abuse has been a gender issue, derived from the social construction of masculinity, there could be no change to the dominant messages received by young boys. Historically, an alternative view of masculinity has remained absent (MacLeod and Saraga, 1988:52).

The historically dominant male theories have appeared to provide offenders with an excuse for their offending, as opposed to an explanation. The focus of these theories has been largely on the victims, the families they have come from and in particular the mothers of victims. This focus could be understood in the context of the historical analysis, which has identified the role of patriarchy and misuse of power and how it has impacted on the way the sexual abuse of children has been interpreted. Judith Herman (1990:178) commented in relation to male-female rape that “[t]he unanswered question posed by feminists is not why some men rape, but why most men do not”. A similar question could be posed in relation to child sexual abuse. We should not be asking, “Why is it that some men sexually abuse children?” We should be asking, “Why is it that most men don’t sexually abuse children?” Analysing victims or their mothers would not provide these answers.

Finkelhor and Araji focused on the offender to better understand the sexual abuse of children. Finkelhor’s model of four preconditions highlighted that before a child could be sexually abused there had to be an offender with the motivation to offend. However, as he and Araji acknowledged, the four groups of theories they identified have not accommodated the diversity of realities that victims have experienced. This has been better accommodated within a feminist analysis, which has highlighted how the sexual abuse of children could be explained by the socialisation of gender roles, and, in particular, the male construct of masculinity.

Conclusion

The historical influence of patriarchy has impacted on the way explanations for child sexual abuses have been formulated. Traditional theorists have largely ignored the deeply entrenched structures within society that have enabled the sexual abuse of children. Although theorists increasingly have engaged with gender analysis to better understand the sexual abuse of children, traditional or “malestream” explanations have remained influential. The conspiracy of silence combined with the historical influence of patriarchy, has inhibited the ability of child sexual abuse victims to identify their experience in those described by theorists. This has impacted on research studies that have attempted to quantify the dimensions of child sexual abuse in our society. As I will highlight in the next chapter, if victims of child sexual abuse

could not identify their experience in research surveys, they would be unable to make disclosures, and so the conspiracy of silence would be maintained.

Chapter 3

Quantifying Child Sexual Abuse

Introduction

Research on child sexual abuse has increased since the 1980s, prompted by a growing awareness of child sexual abuse as a social problem. This research has not only provided a greater understanding of the dynamics of child sexual abuse, as discussed in the previous chapter, it has also provided evidence of its existence. The media, both international and national, reporting horrific accounts of the sexual abuse of society's most vulnerable members, have provided further evidence. Although the societal response to these reports has appeared to denounce the sexual abuse of children, the realities of victims have continued to be minimised, and the reported findings of research studies frequently have been disbelieved.

The reported findings of research investigating the sexual abuse of children have presented a confused picture. These have included incidence and prevalence rates, disclosure rates, police reporting rates and attempts to estimate the proportion of cases that have been reported to an investigative authority. These rates have varied significantly and have appeared to have no relationship to each other. At times they have been misquoted and misunderstood. One such example in New Zealand was the misinterpretation of the statistical information of the study on child sexual abuse conducted by Miriam Saphira (1981). Saphira's pioneering study was intended to provide information about the experiences of victims; it was never intended to provide information on incidence or prevalence rates of child sexual abuse in New Zealand (Lapsley, 1993:16). Saphira quoted estimated rates from international sources, which were subsequently misunderstood by the media and academics alike. I have, therefore, clarified the quantitative dimensions of child sexual abuse, not only to validate victims of child sexual abuse, who have interpreted this debate as further denial of their reality, but also to validate assumptions that have provided the basis

for the policy proposals and further areas for investigation, presented later in this thesis.

To facilitate a more accurate understanding of the dimensions of child sexual abuse, I have identified the methodological issues that have complicated comparisons between studies and have reviewed the major studies contributing to this field. The most commonly reported rates for child sexual abuse have been derived from incidence and prevalence studies, which have addressed the questions of “how large is the problem and how widespread is it in our society” (Gillham, 1991:7). The terms incidence and prevalence sometimes have been used interchangeably, although they have represented two distinct approaches. Therefore, I will commence with a review of incidence and prevalence studies, clarifying the differences between them.

Incidence Studies

Incidence studies have attempted to estimate the number of new cases occurring in a defined period, usually one year (Peters et al., 1986:16; Gillham, 1991:7). These studies have been based on reported rates, derived from police reports and child helping agencies (Lapsley, 1993:14) such as child welfare agencies and hospitals. Incidence figures typically have been reported as a number per year or as a rate per year (Peters et al., 1986:32). By definition, incidence studies have been concerned only with those sections of reports pertaining to children.

Stefanie Peters, Gail Wyatt and David Finkelhor (1986:17) reported that there have been two attempts to determine incidence rates in the United States. The American Humane Association used figures gathered from child protection agencies and extrapolated these to produce national estimates of new cases for the years 1976 through to 1983. Given that many reports of child sexual abuse were not passed on to child protection agencies and that some cases involved more than one child, Peters et al. noted that these figures were not likely to be an accurate assessment and did not cite them. The National Center of Child Abuse and Neglect (NCCAN) conducted the National Incidence Study in 1981 to obtain a measure of the true scope (Peters et al., 1986:17-18). This study attempted to count all cases that came to the attention of child protection agencies and other professionals, estimating in the year commencing

May 1, 1979, that some 44,700 children were sexually abused. This represented an incidence rate of 0.7 per 1,000 children.

Hilary Lapsley (1993:14) cautioned that studies of crime reports have underestimated incidence rates, as shown in those studies that have asked victims if the incident was reported to the police. She cited Kosky (1987), who estimated that only 10% of incest cases have been reported. Lapsley also noted that estimated incidence rates based on prosecutions or convictions have been particularly unreliable, as not every complaint to the police has produced a prosecution, let alone a conviction. This has not necessarily been due to false allegations. Although some complaints of child sexual abuse have been found to be unsubstantiated, Lapsley noted that they represented only a small percentage of complaints.

Studies based on complaints to other agencies could be more accurate than criminal complaints, but unless child sexual abuse was sufficient to produce physical damage, it would be unlikely that these reports would reflect an accurate incidence rate (Lapsley, 1993:15). Despite their under-reporting, studies based on reported cases have been useful in that they have indicated the minimum rates of child sexual abuse in the community. However, these studies might be more reflective of the way societal systems have policed and processed such allegations through the various agencies, than accurate rates of child sexual abuse.

Incidence studies have been dependent on someone, usually an adult, reporting an incident of child sexual abuse. The difficulty with establishing accurate incidence rates has lain in the inability of children to disclose sexual abuse and the reluctance of adults to become involved with the private domain of the family. The very dynamics of child sexual abuse have encouraged children to remain silent. Further, children would not be aware of the moral and criminal sanctions against child sexual abuse. These issues combined with a child's dependent status have inhibited the discovery of child sexual abuse.

Prevalence Studies

Prevalence studies have been based on the premise that if most sexual abuse was not reported then the most valid measure would be self-reports from victims or offenders (Peters et al., 1986:18). Such studies have attempted to estimate the proportion of a population that has been sexually abused during childhood (Gillham, 1991:7). They have targeted the general population, or a specialist population, and have been based on a respondent's retrospective report of an abusive experience. In contrast to incidence studies, prevalence studies have targeted adult populations.

Data collection methods for prevalence studies have included face-to-face interviews, questionnaires and telephone surveys. This method of data collection has been dependent on the respondent remembering an abusive experience, feeling sufficiently safe to share that information and, more importantly, being able to categorise an experience as abusive. Many studies, by the way questions have been asked, have left it to the respondent to define the experience as abusive. Although this method of questioning has enabled respondents to include those experiences that they have considered abusive, not all victims of child sexual abuse have understood that they were sexually abused. "...The more specific and detailed the questions are, the more likely they are to stimulate recall" (Lapsley, 1993:23), and the more likely such questions could elicit accurate information.

Peters et al. (1986:19-44) reviewed the findings of North American prevalence studies that have focused exclusively on female victims of child sexual abuse. They found that rates of child sexual abuse ranged from 6% to 62% for females and 3% to 31% for males. They analysed the methodologies used and identified a number of methodological factors that have contributed to the discrepancy in prevalence rates among self-report studies of child sexual abuse. Lapsley (1993) similarly analysed the influence of methodological factors in a report she was commissioned to undertake on the levels of family violence in New Zealand. The relevant methodological factors, identified by both studies of prevalence rates, included operational definitions of child sexual abuse, population and sampling methods, data gathering techniques, participation rates and types of questions that were asked of respondents (Peters et al., 1986:32; Lapsley, 1993:vii). I have briefly outlined each of

these factors prior to reviewing major studies that have attempted to estimate the prevalence of child sexual abuse.

Definitions

I have previously discussed the variations in definitions of child sexual abuse, establishing the lack of a standardised definition for child sexual abuse¹⁵. In this analysis I highlighted a number of definitional issues that contributed to the discrepancies of reported findings. These issues were intra-familial versus extra-familial sexual abuse, contact versus non-contact sexual abuse, the age of the victim at the time of the sexual abuse, the inclusion or exclusion of peer abuse and the varying age differences between victim and perpetrator if peer abuse were included. In her critical review of child sexual abuse research, Lapsley (1993:5) concluded, "...the broader **and** the more specifically presented the definition, the higher the numbers of people who report that they have experienced sexual abuse or sexual violence." If victims of child sexual abuse were unable to readily identify their specific reality in the definitions provided, it would be less likely that they could identify themselves as victims. However, Peters et al. (1986:22) in their review of prevalence studies concluded that, given such variations in definitions, some discrepancies in the reported findings were inevitable, but definitions alone did not account for the very wide discrepancy of reported findings in prevalence studies (Peters et al., 1986:27).

Populations and Sampling Methods

The sample population chosen for any study could influence the data collected. Ideally a target population should be chosen according to the aims of the research but typically available funding has dictated the size of the sample population. In the field of social science it has been generally understood that the more random the sample population, the more accurate the results (Lapsley, 1993:18). Bigger samples more readily have enabled researchers to make comparisons between sub groups. Lapsley noted that in "...poorly funded or newly developing fields of research insufficient

¹⁵ Refer to Chapter 1: Definitions and Concepts for a complete discussion.

funds often mean that non-random sampling methods are adopted, for example surveys of easily accessible populations”. Accessible populations have not been necessarily representative of the broader population. Therefore, results derived from such populations could be inaccurate when generalised to the broader population. However, as Lapsley pointed out, such studies have provided an indication of the extent of the problem and often have preceded studies with more random sampling methods.

Peters et al. (1986:28-30) studied the characteristics of the sample population in each of the studies they reviewed to determine if this accounted for the variation of reported prevalence. They concluded that the age of the respondents, their socio-economic status or educational levels did not account for differences in prevalence rates. They further concluded that regional differences did not appear to significantly affect the findings of the studies. Peters et al. referenced five community studies, conducted in the United States, that have indicated little difference in prevalence rates of child sexual abuse between the Afro-American population and the European-American population. However, they advised caution if comparing studies across ethnic groups, noting two methodological factors that could complicate such comparisons. The first was that only two of the studies in their review were designed to include comparable numbers of minority and non-minority groups. They commented that in most community studies the proportion of ethnic minority groups to non-minority participants was more representative of the broader population. The second factor was that within a given sample, demographic and familial characteristics could differ between ethnic minority groups and the non-minority group. Peters et al. noted that these issues had been identified as a problem within studies of Afro-Americans and urged researchers to be aware of these issues when comparing prevalence studies of child sexual abuse across ethnic groups.

Data Gathering Techniques

Lapsley (1993:19) found that the most common method of gathering information for studies on child sexual abuse was face-to-face interviews but noted that Finkelhor (1980) used questionnaires, a method that has since been replicated by a number of researchers. Data gathering techniques, within the studies reviewed by Peters et al.

(1986:37) were categorised as self-administered questionnaires, face-to-face interviews and telephone interviews.

The category of self-administered questionnaires produced prevalence rates, with one exception, of 22% or less (Peters et al., 1986:38). The telephone surveys produced two very low rates under 13%. Of the four studies that used face-to-face interviews, three produced rates of 22% or more and two were more than 50%. The two latter studies used interviewers that were specially selected and received extensive training. Peters et al. (1986:40) concluded that, while face-to-face interviewing appeared to allow for the possibility of more accurate reporting, without well-selected and trained interviewers this mode of administration might be no different to the other modes. The method that has been used to gather data could impact on conclusions that have been made regarding prevalence rates and, although personal contact could enable a rapport to develop between the interviewer and the respondent, thereby encouraging participation, this method in large population samples would be expensive and time consuming.

Participation Rates

The very sensitive issue of child sexual abuse could have two contradictory effects on participation rates. On the one hand surveys on child sexual abuse might have encouraged victims to respond because they had information to share and there was an apparent willingness to hear this information. On the other hand, because of its very sensitive and traumatic nature, victims might have self-selected themselves out of the survey. Similarly, those who were not victimised also might have self-selected themselves out, as they had no information to share. Generally, higher response rates have tended to engender more confidence in the accuracy of the results, however, as Lapsley noted, this was not always the case. She cited Haugaard and Emery (1989) who, in an investigative study of survey accuracy, found that there was an inconsistent relationship between response rates and accuracy: both high and low response rates were more accurate than medium response rates (Lapsley, 1993:18).

The Canadian National Population Study (1984), by combining face-to-face contact with confidential questionnaires, elicited a very high response rate (Lapsley,

1993:19). Lapsley (1993:24) found that some of the better-funded and more detailed studies of child sexual abuse were particularly thorough in their matching of interviewers and respondents in relation to race and ethnicity. Furthermore, she commented that researchers have believed that matching interviewers and respondents in terms of sex and ethnicity were likely to engender higher participation rates. However, she noted that previous research has not validated these claims and cited Sparks (1982) who argued that race, sex and skill level of interviewers made very little difference to the outcomes of research on victims of crimes. Given the sensitive nature of research on child sexual abuse, it would seem that issues such as training of the interviewer and matching the interviewer with the respondent could only be beneficial in terms of participation rates. It could be possible that the research of Sparks (1982), conducted some 20 years ago, would produce different results if it were repeated today. Irrespective of this debate, Peters et al., although they concluded that response rates did not account for the differences in prevalence rates, urged researchers to continue striving for higher response rates (Peters et al., 1986:37).

Types of Questions

A crucial factor in self-report studies has been the level of detail in the questions asked. Detail, no doubt, has acted as a prompt to memory. It has given respondents more opportunities to broach traumatic topics and the feeling that it has been acceptable to discuss such subjects (Lapsley, 1993:15). Therefore, as Lapsley noted, the more detailed the questioning, and the more sophisticated the study, the more likely it has been that higher rates of self-reports would be elicited.

In the prevalence studies that Peters et al. reviewed, crucial differences were found in the kinds of questions intended to elicit reports of child sexual abuse (Peters et al., 1986:40). Each of the surveys reviewed used one or more “screen” questions regarding child sexual abuse. Six studies relied on only one “screen” question; they produced relatively low report rates ranging from 6% to 22%. Among those studies that used between two and four “screen” questions, the prevalence rates were a little higher, ranging from 11% to 35%. The two studies that included eight or more “screen” questions both produced substantially higher prevalence rates: Diana

Russell (1983) reported 54% and Gail Wyatt (1985) reported 62% (Peters et al., 1986:41).

Another difference that Peters et al. (1986:41-43) found in the “screen” questions was the amount and type of specifics that researchers gave the respondent. Many of the single “screen” questions asked general questions using such terminology as sexual abuse or molestation, but provided no further clarification to the use of these terms. Most of the surveys that used multiple “screen” questions gave more specific descriptions of the activity the survey was researching. These questions were of two types: relationship-specific questions, differences in age or relationship between offender and victim; and activity-specific questions, which clarified the particular types of sexual behaviour that were included. Those studies that used detailed, specific questions obtained higher prevalence rates, ranging from 11% to 62 %. By contrast those that used general questions obtained prevalence rates that ranged from 6% to 14%.

Peters et al. (1986:43) concluded that multiple-question surveys with some activity-specific questions produced higher prevalence rates of child sexual abuse. They argued that there were three contributing factors that explained higher prevalence rates. The first was that terms such as sexual abuse and molestation did not always match how victims of child sexual abuse have defined their experience for themselves¹⁶. The second factor was that multiple “screen” questions might enable more time for a disclosure to occur. As the interview proceeded, the respondent was provided with more information regarding the persistence of the interviewer and the seriousness of the interviewer’s interest, which might encourage the respondent to disclose when subsequent questions were asked. The third factor was that multiple, specific “screen” questions provided more cues to assist the respondent with the matching and recall of their experience. Peters et al. (1986:44) concluded that of all the differences between the prevalence studies they reviewed, the issue of question type appeared to be among the most important when accounting for the discrepancy among reported findings of prevalence studies.

¹⁶ Refer to Chapter 1: Definitions and Concepts, for a complete discussion.

Lapsley (1993:31) concurred with Peters et al. (1986:44) that the discrepancy among reported findings of prevalence studies of child sexual abuse could be largely explained by the different methodologies these various studies have used. Some of the confusion regarding incidence and prevalence rates might be due to the misunderstanding of the rates produced by various research studies. For example, the difference between incidence and prevalence studies, or mistaking the prevalence rate of all forms of child sexual abuse for a more specific form such as intra-familial child sexual abuse.

In the following section, my review of the major studies of child sexual abuse has been based on the above discussion of the relevant methodological issues.

A Review of the Major Studies

Lapsley (1993:29) identified the studies of Kinsey (1953), Finkelhor (1979) and Russell (1983) as the most commonly cited in the field of child sexual abuse, and noted the recent completion of a New Zealand study, The Otago Women's Health Study (1991). These studies, including others of note, will be briefly outlined. It has not been my intention to compare and contrast the various prevalence studies but to outline them sufficiently to highlight any discrepancies and to ascertain whether the New Zealand study would be comparable to international studies that utilised a similar methodology.

Kinsey (1953) conducted a large, non-random study of mostly European-American, college-educated females and found that 24% had experienced sexual contact as a child, 16% of which involved contact with family members and 4% involved father-daughter contact.

A study conducted by Finkelhor (1979) found that 19% of female American college students reported child sexual abuse. Of those who reported child sexual abuse, 75% knew the offender, 44% were sexually abused by a family member, 22% of reported incidents occurred within the nuclear family and 6% of offenders were either fathers or stepfathers.

Russell (1983) conducted the first in-depth interview study of child sexual abuse (Lapsley, 1993:30). Based in San Francisco, the study targeted a sample population of 930 women, 18 years of age or over (Lapsley, 1993:17). Interviewers received extensive training designed to sensitise them to the issues involved in asking questions about child sexual abuse (Peters et al., 1986:40). This study used 14 “screen” questions including both relationship-specific and activity-specific questions (Peters et al., 1986:58). Intra-familial child sexual abuse was defined as “...any kind of exploitative sexual contact that occurred between relatives, no matter how distant the relationship, before the victim turned 18 years old” (Russell, 1983:135..136). Extra-familial child sexual abuse was defined as “...one or more unwanted sexual experiences with persons unrelated by blood or marriage, ranging from petting (touching of breasts or genitals or attempts at such touching) to rape; before the victim turned 14 years, and completed or forcible rape experiences from the ages of 14 to 17 years (inclusive)”. Sexual experiences with peers, of less than five years age difference, were not included if they were defined by the respondent as wanted.

Russell (1983:137-40) found that 31% had been subjected to extra-familial sexual abuse before the age of 18. When the definition of child sexual abuse included both forms, extra-familial and intra-familial, 38% of respondents reported they had been sexually abused before the age of 18. The prevalence rate in this category increased to 54% when non-contact abuse was included. The majority of offenders were not relatives in the combined intra-familial and extra-familial categories: 11% were total strangers, 29% were relatives and 60% were known to the victim, but not related. Ninety-six per cent of all offenders were male.

Wyatt (1985) conducted her study in Los Angeles, using face-to-face interviews and specially trained interviewers who asked eight “screen” questions, including both relationship-specific and activity-specific questions (Peters et al., 1986:59). The random sample consisted of two ethnic groups approximately of equal number: 126 Afro-American women and 122 European-American women, between the ages of 18 and 36 years of age with comparable demographic characteristics (Wyatt, 1985:509). The definition of child sexual abuse included intra-familial, extra-familial, contact or non-contact sexual abuse that occurred before the age of 18 (Wyatt, 1985:510). The

sexual relationship was defined as abusive if the offender was more than five years older or the relationship was considered unwanted by the victim.

In this study 62% of the participants reported at least one incident of sexual abuse, including both contact and non-contact sexual abuse, prior to the age of 18 (Wyatt, 1985:513). Of the Afro-American women, 40% reported they had experienced contact abuse, 17% reported they had experienced only non-contact abuse, and 43% reported they had not been sexually abused. Of the European-American women 51% reported contact abuse, 16% reported non-contact abuse, and 33% reported they had not been sexually abused. Within the Afro-American group 37% of offenders were strangers, 29% were family members, either natural family or stepfamily, 2% were authority figures and 32% were known but not related to the victim (Wyatt, 1985:517). The corresponding figures for European-American women were 51%, 19%, 4% and 26% respectively. Ninety-seven per cent of offenders in the Afro-American group were male; 100% in the European-American group were similarly male (Wyatt, 1985: 516).

Batya Hyman studied the data set of the National Lesbian Health Care Survey (NLHC), a survey that gathered information through 1984 to 1985 on victimisation, health, social and economic status across the United States (Hyman, 1993:62). As was noted in the introductory chapter, Hyman defined child sexual abuse as an affirmative response to one of two questions: “did any of your relatives have sex with you while you were growing up?” or “were you ever raped or sexually attacked while growing up?” (Hyman, 1993:41). No age limit for the definition of a child was imposed by the questionnaire; this was self-defined by the respondent.

Although the women in this survey ranged in age from 17 to 80, 80% were between the ages of 24 and 44 (Hyman, 1993:85). Women of working age were over represented and retired women were under-represented when compared to the general population of the United States of America. Eighty per cent of the participants in the NLHC were white, 6% were Afro-American and 4% were Latina. Compared to the general population Afro-American women were under-represented in this sample.

Of the 1,925 respondents, 612 reported they had been sexually abused as they were growing up (Hyman, 1993:92). Of these women 26% had experienced intra-familial sexual abuse and 17% had experienced extra-familial sexual abuse as they were growing up, with some women reporting both categories of child sexual abuse (Hyman, 1993:89). The prevalence rate of child sexual abuse, for both categories, in this sample was 32%. Ninety-eight per cent of offenders were male (Hyman, 1993:91).

A New Zealand study, The Otago Women's Health Survey (1991)¹⁷, based on a postal questionnaire, asked 3,000 randomly selected Otago women questions about their childhood, present family, work situation and experiences of sexual and physical abuse (Dunedin Public Hospital: Department of Psychological Medicine, 1991:1). All urban Dunedin women under the age of 65, who had indicated in the postal questionnaire that they had unwanted sexual experiences before the age of 16 years, were invited for an interview, as were an equal number of non-abused women (Anderson et al., 1993:912). Child sexual abuse was defined as non-contact, non-genital contact, genital touching either clothed or unclothed, touching the offender's genitals, attempted intercourse, and intercourse which involved penile penetration of the genital or anal area (Anderson et al., 1993:913). In-depth interviews were conducted in which participants were asked a series of eight "screen" questions. All interviewers were trained prior to the beginning of the project and consistency between the two interviewers was checked by audio taping the interviews (Anderson et al., 1993:931). Seventy-three per cent of those invited to take part in the interviews participated in the interview component of the study (Anderson et al., 1993:913).

This study found that for all categories of sexual abuse, 26% of participants were sexually abused before the age of 12, and 32% were sexually abused before the age of 16 (Anderson et al., 1993:914). The abuse rates for all forms of contact abuse were 16% for girls less than 12 and 25% for girls less than 16. Thirty-eight per cent of the women who had been sexually abused as children, reported that their most serious incident of abuse was perpetrated by a relative: 16% of offenders were living

¹⁷ A summary of the findings of The Otago Women's Health Survey was first presented in 1991. Academic publications appeared some years later.

in the same house as the child, 22% were related but living elsewhere (Anderson et al., 1993:915). Only 15% of victims reported a stranger had abused them; 46% of victims reported that they knew the offender. Ninety-eight per cent of the offenders were male. The study found that one or two in a hundred biological fathers, living with the child, had sexually abused their daughters compared with one in ten stepfathers who lived with the child.

A Canadian study, based on face-to-face in-depth interviews with 420 women living in Toronto, asked randomly selected women about forced, unwanted and upsetting sexual experiences that occurred before the age of 16 (The Women's Safety Project, 1993:A1-A5). The interviewers were skilled and the participants, ranging in age from 18 to 64 years, represented diverse ethnic, racial and socio-economic backgrounds. Sexual abuse was categorised as intra-familial if it occurred between any relatives, irrespective of distance of relationship, and extra-familial if it occurred between people unrelated by blood or marriage. Consensual peer sexual contact between persons of the same age, or of no more than two years age difference, was excluded if it was defined by the respondent as wanted. The narrower definitions of intra-familial and extra-familial sexual abuse excluded some forms of physical contact, such as unwanted sexual kissing, hugging or touching the body other than the breasts or genitals.

Within the category of intra-familial abuse this study found that 17%, 71 women, reported at least one experience before the age of 16. When generalised to the Canadian population, this suggested that one in six girls had been sexually abused by a family member or other relative before the age of 16. Within the category of extra-familial abuse the study found that 34%, 143 women, reported at least one experience before the age of 16. This result, when generalised to the Canadian population, suggested that one in three girls were sexually abused by a person not related to them. When the two categories were combined, 43%, 178 women, reported at least one experience of sexual abuse before the age of 16. Forty-seven of these women reported they had been sexually abused before the age of 8. By broadening the definition of sexual abuse and including those contacts excluded in the above findings, unwanted sexual kissing, exhibitionism and masturbating in front of a child, prevalence rates increased. Fifty-four per cent, or 228 women, reported an intrusive

or wanted sexual experience before the age of 16. The study found that in the majority of cases the child knew the offender. Twenty-eight per cent of offenders were a family member or other relative, 50% of offenders were unrelated and 20% of offenders were strangers. Ninety-six per cent of offenders were male.

The studies reviewed thus far have concentrated on prevalence rates related to female victims of child sexual abuse. Although this might account for the absence of women as offenders in these studies, as has been previously noted, it has been documented throughout the literature that offenders have been predominantly male. This might change as men become more confident at disclosing sexual victimisation by female offenders and as more studies on male victims of child sexual abuse have been completed. Lapsley (1993:31), in her review of the literature, reported that Finkelhor (1979), the most widely cited study for the sexual abuse of boys, reported a prevalence rate of 9%. She noted that according to the studies she reviewed, prevalence rates of intra-familial child sexual abuse were considerably lower for boys than for girls.

Definitional and methodological issues have made it difficult, if not impossible, to compare any of the studies discussed. Nevertheless researchers have agreed that self-report studies have tended to underestimate true prevalence rates (Lapsley, 1993:16). Lapsley argued that respondents could be reluctant to discuss intimate details of their lives. Victims of child sexual abuse could be inhibited by a misplaced sense of loyalty, or have been conditioned throughout childhood to maintain the conspiracy of silence. Lapsley (1993:vii) concluded in her review of the literature that surveys from the United Kingdom, Canada and the United States indicated that between 12% and 38% of women were sexually abused as children. She noted that in New Zealand the accepted prevalence rate for women was 24%, which appeared to be based on the preliminary figures of the Otago Women's Health Survey. However, the published findings of this survey have found that 25% of women in the study reported they had experienced contact sexual abuse by the age of 16 (Anderson et al., 1993:914).

Generalisations could not confidently be made until a number of studies have been completed which have used the same operational definitions and have followed the same methodology. Lapsley (1993:vii) commented that although New Zealand

studies were uncommon the results were comparable. The review of the major studies above indicated that the Otago Women's Health Survey was comparable to international studies, albeit a conservative estimate when compared with similar studies such as those of Russell and Wyatt. I have used the published findings of the Otago Women's Health Survey for calculations based on prevalence rates of child sexual abuse as it might relate to women: that is, the prevalence rate of 25% for contact sexual abuse. In relation to men I have used the prevalence rate of 9%. This should ensure that resultant information would remain relevant in the New Zealand context. However, it should be remembered that the information currently available regarding incidence and prevalence could be incomplete and underestimated. Despite the existing evidence, the broader society has remained sceptical as to the incidence and prevalence of child sexual abuse as the discussion in the following section will highlight.

The Denial of the Evidence

A distrust of retrospective, self-report studies has been derived from the Freudian belief that infantile fantasies were mistakenly interpreted as actual experiences (Lapsley, 1993:15). Although this has been largely discounted, Freudian influence has remained pervasive in some sections of society, contributing to the denial of the dimensions of child sexual abuse in our society. This denial could have been exacerbated by the public debate related to recovered and repressed memories, which in turn has impacted on the scientific debate regarding the validity of retrospective studies (Williams, 1994:1167). Criminal cases, both nationally and internationally, have attracted much media attention, particularly when recovered or repressed memories have been put forward as a defence argument¹⁸. Friends and family members might find it difficult to believe that the accused could have sexually abused a child, particularly if those accused have held respected positions in the community. Some commentators have supported claims that victims of child sexual abuse made false allegations for vexatious or vindictive reasons, or because they were victims of therapists using non-professional techniques (Williams, 1994:1167). It would be difficult for people who were not sexually abused as children to believe

¹⁸ Refer to Chapter 2: An Historical and Theoretical Perspective for a complete discussion.

that victims could forget the sexual abuse they were subjected to as children. As has been suggested in the research findings that I will summarise in the next section, this could be the case.

Linda Williams (1994:1169) studied a group of women who had attended hospital emergency rooms in a major North Eastern city in the United States, after they had been sexually abused as children. Between April 1973 and June 30 1975, children aged from 10 months to 12 years were examined as part of a larger study regarding the consequences of sexual assault for adult, adolescent and child victims. In 1990 and 1991, the women were located and invited to participate in a study, which they were told was following up the lives and health of people who had received medical care as children in the hospital. For the purposes of this study, sexual abuse was defined as "...sexual contact that (a) was against the child's wishes, (b) involved force or coercion, or (c) involved a perpetrator who was at least five years older than the victim".

The study found that 38% of the women in the study had no recall of the sexual abuse that had been reported in the 1970s (Williams, 1994:1169-1174). The results of the face-to face-interviews were carefully assessed to determine if the recall of the women even remotely resembled the original report of child sexual abuse. Some women described the incident that had been reported in the 1970s but did not recall their age correctly: they were assessed as having recalled the sexual abuse. Of those women who apparently did not recall the reported incident, 68% remembered other child sexual abuse, and 32% had no recall of any child sexual abuse, contrary to the hospital reports.

An analysis of the information was undertaken to gain some understanding as to why the women might not have remembered the abuse they were subjected to. Williams was able to discount the obvious reasons, such as embarrassment or reluctance to share intimate details of their lives, or the age of the victim at the time of the original report. She noted that those who were assessed as not having recall of the incident that had initiated the original report, were able to disclose intimate details of many aspects of their lives and were able to share information regarding other abusive incidents either as children or adults. Williams acknowledged that some of the

original reports could have been false, citing the research of Everson and Boat (1989), which suggested that between 4% and 8% of child sexual abuse reports were false. However she reported that this group of women, when compared to the group who were assessed as having recall of the original report, showed a tendency to have actual medical evidence of genital trauma at the time of the original report. Williams also reported that according to the original hospital records, none of the original reports were made in the context of custody disputes. Neither embarrassment nor false reporting provided sufficient evidence as an explanation for the inability of women to recall the sexual abuse they were subjected to as children.

Women who did not recall the original report were on average two years younger at the time of the sexual abuse than those women who did remember. Yet some of those women, who were very young at the time of the sexual abuse, appeared to have detailed memories of the incident and others, who were sexually abused after the acquisition of complex reasoning and language skills, appeared to have no memories of the original incident. Williams, therefore, concluded that an inverse relationship existed between the age of victim at the time of the sexual abuse and her apparent inability to recall the incident. However she noted that those women who were younger at the time of the sexual abuse were also younger at the time of re-interview, and commented that "...it may be the age at time of re-interview and not the age at time of the initial abuse that is associated with recall".

Aside from age at the time of the incident, or re-interview, Williams found that those sexually abused by strangers were more likely to recall the incident than those abused by family members or some other offender known to them. She also found that the use of force was related to an inability to recall the sexual abuse that initiated the original report. The data that was collected by the original study at the time of the sexual abuse in the 1970s was insufficient to enable any conclusions to be made regarding any relationship between sexual abuse that was a single occurrence and repeated abuse. However, Williams argued that as an offender known to the victim was associated with lack of recall, it was reasonable to assume that these offenders had repeated access to the victim and therefore repeated sexual abuse could be associated with an inability to recall the original incident.

This study has important implications for retrospective prevalence studies. A significant proportion of any sample population could be classified as not having experienced sexual abuse as a child when in fact they had. Specifically, prevalence studies could underestimate the prevalence of severe sexual abuse and sexual abuse by an offender who was known to the victim. Aside from any discussion on suppressed memories or dissociation, victims of child sexual abuse have perhaps learned as children, from adults around them, that it would be best to forget the abuse.

Undeniably the evidence has substantiated that a considerable number of children have been sexually abused. Furthermore, current estimates could underestimate the extent of child sexual abuse in our society. It would not be difficult, given the historical analysis of child sexual abuse and the reported incidence and prevalence rates, to assume that there have been large numbers of offenders within our society. In contrast, the evidence has suggested that a relatively small number of offenders have been responsible for a large number of victims.

Offending Rates

If it were accepted that the prevalence rates as outlined above were accurate, 25% for females and 9% for males, and if it were assumed that these rates were consistent over generations, we could estimate that at the time of the last New Zealand Census (1996) there were some 620,181 victims of child sexual abuse in New Zealand¹⁹. This would not provide an estimate of offenders. Ashley Ames and David Houston (1990:337), referencing North American studies, noted that the data indicated that a relatively small number of offenders were responsible for a large number of offences. They cited Abel, Mittelman and Becker (1987) who reported that some 232 non-incarcerated child molesters revealed they had each victimised an average of 76 children. Ames and Houston also cited Groth, Longo and McFadin (1982) who

¹⁹ According to the New Zealand Census, 1996, the total female population was 1,840,839 and the total male population was 1,777,461. Assuming a prevalence rate for females of 25% indicates 460,210 female victims; a prevalence rate of 9% for males indicates 159,971 male victims. An estimated 620,181 people living in New Zealand could be victims of child sexual abuse.

reported that incarcerated offenders had victimised an average of 11 more children than the number of children they were prosecuted for offending against. Robert Prentky and Ann Wolbert Burgess (1990:108) similarly noted that sexual offenders accounted for large numbers of victims. They referenced Abel, Becker, Cunningham-Rathner, Rouleau, Kaplan and Reich (1984) who concluded that the “average adolescent sexual offender m[ight] commit 380 sex crimes over his lifetime”.

In New Zealand the findings have been similar. Research findings released by the Christchurch sex-offender programme, STOP, indicated that only a small proportion of cases involving the sexual abuse of children were detected, and even fewer cases proceeded to a criminal conviction (Anon., 1998:A5). Ian Lambie (1998:1), a clinical Consultant Psychologist for the SAFE Network, reported that this study surveyed 137 male offenders in the STOP programme. The offenders reported 13,499 undetected sexual crimes: an average of 100 sex crimes for each offender. The information provided by the men indicated that they had sexually abused an average of 50 child victims each. A Wellington STOP worker estimated that only 5% of offenders were caught and cited the reluctance of victims to disclose child sexual abuse as one reason (Anon., 1998:A5). Lambie cautioned that these figures could be very conservative estimates of offending rates as the survey relied on the men admitting their crimes. Offenders would not willingly disclose the sexual abuse they have subjected children to, and if they did, for instance within treatment programmes, they might disclose only a fraction of their offending.

If the average rate of victims per offender were to range from 50 to 76 children, it could be estimated there were between 8,160²⁰ and 12,404²¹ child sexual abuse offenders, at any one time in New Zealand. The populations in the studies of child sexual abuse offenders, cited above, might not be representative of the broader population of child sexual abuse offenders. It has been argued that incarcerated offenders as a sample population were not representative of the broader population.

²⁰A rate of 76 children per offender (Ames and Houston, 1990:337): 620,181 victims of child sexual abuse/76 could equal 8,160 offenders.

²¹ A rate of 50 children per offender (Lambie, 1998:1): 620,181 victims of child sexual abuse/50 could equal 12,404 offenders.

Typically, lower socio-economic groups and minority groups were over represented in prison populations. The same could be said for participants in programmes such as the STOP programme. Further, there could be no way of knowing the rate of victims per incarcerated offenders, or those participating in programmes, compared with those who were not imprisoned or were not participating in a programme.

Given the dynamics of child sexual abuse, it would be difficult to test any hypotheses, which might confirm or deny either the numbers of victims per offender or the numbers of offenders within society. Even so, studies that have engaged with victims of child sexual abuse have not typically asked victims if they knew of any other victims that the offender could have sexually abused. Studies that question disclosure, although they might not question the existence of other survivors, have provided other information that has contributed to a more complete understanding of the dimensions of child sexual abuse.

Disclosure

Given the denial of child sexual abuse throughout history, it should not be surprising that victims of child sexual abuse have been reluctant to disclose the sexual victimisation they were subjected to in their childhood. The discrepancy between incidence rates and estimated prevalence rates of child sexual abuse have suggested that very few incidents of child sexual abuse have been reported to any investigative authority. Victims might be reluctant to disclose to people around them but they have seemed even more reluctant to criminally report. Patricia Eastaerl (1994a:330) in her study commented that only a small proportion of all rape has been reported to the police. She noted that the American reporting rate for rape has been estimated to be between one in ten and four in ten incidents of rape. She further noted that an Australian survey of all crime has estimated that only one third of rape or attempted rape was ever reported to the police. Very few studies have investigated disclosure rates of child sexual abuse victims. Before reviewing these studies I will clarify my use of terminology.

Disclosure could be understood as an informal disclosure to a family member, a friend, or some other person. It could also include formal disclosures that were made

to the police or some other investigative authority. While either form could be a disclosure, for the purpose of clarity when specifically referencing disclosure to the police, I have referred to this as reporting to the police or criminal reporting.

In 1992, The Australian Institute of Criminology conducted a national survey on rape as a means of raising levels of public awareness on various issues relating to rape (Easteal, 1994b:11). The survey was presented in a number of newspapers throughout Australia followed by the airing of a television documentary, "Without Consent". The survey was announced in the documentary and a toll free number was provided for intending participants to register. Respondents, including both male and female, reported some 2,852 incidents of sexual victimisation as children or adults. In her analysis, Easteal (1994a:331-347) found that while 63% of the self-selected rape victims had disclosed a sexual assault to someone, only 20% of the total sample had reported the assault to the police. Ten per cent of the respondents did not disclose to anyone for more than five years. Males were less likely than females to disclose sexual assault to anyone: 47% of male respondents had disclosed compared to 63% of females who had disclosed their experience to someone. In this survey 62% of respondents were under 20 years of age at the time of the assault and 44% were under the age of 16.

Some 2,270 victims gave reasons as to why they did not report their assault to the police. These were: 46% were too ashamed, 32% were too shocked, 30% were afraid of the offender, 26% did not believe the police would act on the complaint, 19% did not believe it was rape, 17% knew the perpetrator and 5% had a prior bad experience with the police²². Of those sexually assaulted by a stranger 44% had reported the crime to the police. With the exception of estranged partners, reporting rates were very low when the victim knew the offender.

Of the 544 victims who had reported to the police, 201 cases had resulted in an arrest, which subsequently led to the imprisonment of 103 offenders and non-custodial intervention for another 44 offenders. Although the conviction rate of those

²² Respondents were invited to provide more than one reason as appropriate; therefore the total exceeds the number of respondents (Easteal, 1994:339).

arrested was 73%, the conviction rate of sexual assaults reported to the police was substantially lower at 27%. Of concern was, that of the 2,852 rapes reported by the respondents in the survey only 5% of the total offenders were ever convicted. Eastaer reported that the recency of the rape, presence of injuries and certain relationships of the offender to the victim had significantly influenced the arrest decision. Some victims reported they had been encouraged by police to drop the charges.

Eastaer analysed trends of reporting to the police on the basis of the relationship with the offender and the time since the offence occurred. Both these analyses showed significant variances in reporting trends. Eastaer argued that the relationship between the victim and the offender affected the victim's decision to report to the police. She found that almost one half of the victims who had been sexually assaulted by strangers had reported to the police. The reporting rate was much lower for those victims sexually assaulted by family members. If the offender was living with the victim the reporting rate was 16% and if the offender was living apart the reporting rate was 7%. Eastaer concluded that "...there is a relationship between the nature of the tie between offender and victim, and both the effects upon the victim, her disclosure and reporting to authorities and the response received by the latter". Eastaer also found that those victims who had been sexually assaulted recently were more likely to report to the police. Of those who had been sexually assaulted within the preceding five years, 30% had reported to the police. As the time lapse increased, the reporting rate dropped. For those who were sexually assaulted more than 25 years prior to the survey only 14% had ever reported to the police.

The survey that provided the data set for Hyman's study, unlike Eastaer's study, specifically questioned respondents about child sexual abuse. In this study²³, of those women who were sexually abused as they were growing up, 53% had disclosed the sexual abuse to someone prior to the survey (Hyman, 1993:97). Of 504 women who had indicated that the offender was a family member, 58% had disclosed; of 188 women who had indicated that the offender was known to them but unrelated, 47% had disclosed; of 137 women who had indicated the offender was unknown to them 63% disclosed. Hyman (1993:98) reported that in this sample only 10% had reported

²³ The methodology of this study was discussed in the Prevalence section of this chapter.

their abuse to the police. Because this reporting rate was larger than Russell (1983) found in her sample, Hyman analysed the association of criminal reporting by the type of abuse and by the ethnicity of the victim. Of the three subgroups, she found that Afro-American women were the least likely to report child sexual abuse to the police and that European-American women and Latinas were three times more likely to report abuse by a stranger than any other child sexual abuse.

A New Zealand study based on the Otago Women's Health Survey (1991), also specifically targeted female victims of child sexual abuse. The researchers found that 37% of the women had disclosed sexual victimisation to someone within one year of its occurrence (Anderson et al., 1993:915). Ten per cent of the women had waited between one and ten years before they disclosed an abusive experience. Twenty-four per cent of the women had waited ten years or more to disclose and 28% of the women had never disclosed a sexually abusive experience in childhood until they were questioned in the survey. This indicated that 71% of child sexual abuse victims had disclosed to someone prior to the survey. The researchers commented that their findings indicated that if victims did not disclose the abuse within the first year they were likely to maintain their silence for some time (Anderson et al., 1993:917). Of the women in this survey, only 7.5% had their abuse reported to any investigative authority (Anderson et al., 1993:915). As the ethnic origins of these women were not recorded it was not possible to ascertain if any minority groups were over or under-represented.

In response to questions asking what had prevented them from disclosing abuse, 65%, or 164 women gave the following reasons: 29% expected to be blamed, 25% were embarrassed, 24% did not want to upset anyone, 23% expected they would not be believed, 18% claimed they were not bothered by the abuse, 14% wished to protect the abuser, 11% feared the abuser and 3% wanted to obey adults²⁴ (Anderson et al., 1993:915). Of those who gave reasons for non-disclosure, 116 women reported they had not wanted to disclose their abuse, 25 had wanted to disclose but did not and 23 women had unintentionally disclosed abuse. It is noteworthy that out of this

²⁴ Respondents were invited to provide more than one reason (Anderson et al., 1993:915). Presumably a number of women did not provide any reasons.

group of 164 women who gave reasons for why they did not disclose abuse, only 25 women indicated they had actually wanted to disclose.

Jenny Holdt (1998:5-10) studied victims who contacted Rape Crisis New Zealand through 1997. During this period Rape Crisis recorded 1,206 calls from victims of sexual violence, 31% of these calls were related to intra-familial abuse and 87% of all victims reported they had been under the age of 13 at the time of the sexual abuse. Seventy per cent of all victims who contacted Rape Crisis during 1997 disclosed abuse that occurred more than a year previously. Victims of intra-familial sexual abuse, although less likely to report to the police, were more likely than other victims to disclose abuse to Rape Crisis that had occurred more than one year previously; other victims were more likely to disclose abuse that had occurred within the previous year. The average number of years that had lapsed since intra-familial abuse occurred or started was 17.6 years, for other sexual abuse it was 13.1 years. Holdt found that 30% of all victims of sexual assault had reported to the police irrespective of whether they were a child or an adult when the assault occurred. Of those who had experienced intra-familial child sexual abuse 21% had contacted the police. Ongoing sexual violence was unlikely to be reported to the police and the more recent the sexual violence was, the more likely it was to be reported to the police.

The ethnicity of the victims who contacted Rape Crisis New Zealand were identified as a percentage of a total number of 1,048 callers: 68% were New Zealand Pakeha/European, 26% were NZ Maori, 2% were of Pacific Islands origin and 4% were of other ethnic groups. Those victims who reported intra-familial child sexual abuse were identified as a percentage of the total number of callers in this category: 60% were New Zealand Pakeha/European, 34% were NZ Maori, 2% were of Pacific Islands origin and 4% were of other ethnic groups. According to the 1996 Census of New Zealand the total population comprised of: 80% as European/Pakeha, 15% as New Zealand Maori, 6% as Pacific Island and 3% as other ethnic groups. According to these findings Maori had reported more intra-familial child sexual abuse than other ethnic groups.

The methodologies of these studies have varied, as have definitions of a child and child sexual abuse. Despite these difficulties, some points were very clear. The previous disclosure rates of all victims in the studies discussed above were relatively high, between 53% and 72%, when compared to the rate of victims who had reported sexual violence to the police, between 7.5% and 21%. Rates for disclosure and criminal reporting have been summarised in *Table 3.i*.

Table 3.i: Rates for Disclosure and Criminal Reporting

Study	Easteal Australia 1994a	Hyman USA 1993	Anderson et al NZ 1993	Holdt NZ 1998	Holdt NZ 1998
Definition	Rape: Adults and children	Child Sexual Abuse: all categories	Child Sexual Abuse: all categories	Intra- familial Child Sexual Abuse	All Sexual assault: Adults and children
Disclosure	63%	53%	72%	n/a	n/a
Criminal Reporting	20%	10%	7.5%	21%	30%

Although Holdt (1998:10) did not report on prior disclosures, this study reported that 21% of victims of intra-familial child sexual abuse and 30% of all sexual assault victims had reported this abuse to the police. This reporting rate was substantially higher than the findings of Easteal, Hyman and the Otago Women's Health Survey. While this could indicate an increase in reporting trends, victims who contacted such organisations as Rape Crisis New Zealand had come to an understanding that they had been victimised and were actively seeking help. Consequently, such victims could be in a more advanced stage of the recovery process compared with those in the studies of Easteal, Hyman and The Otago Women's Health Survey. Holdt did not provide information on the source of referral for Rape Crisis clients. The Police or other victim support organisations could have referred some of these victims to Rape Crisis. If so, this could account for a higher reporting rate. Although the reporting rate in Holdt's study was relatively high when compared with the other studies it was

still low when compared with the reporting rate of other crimes. According to the New Zealand National Survey of Crime Victims 1996, the reporting rate for the theft of a motor vehicle was almost 90% (Young et al., 1997:22).

Hyman and Holdt found that victims who had been sexually assaulted by an offender unknown to them were more likely to report this abuse to the police. Eastaer's survey indicated that only a very small percentage of all sexual assaults ever proceeded to a conviction, and even fewer resulted in imprisonment. A disproportionate number of these convictions could have involved an offender who was a stranger to the victim. A significant number of New Zealand Maori disclosed both intra-familial and extra-familial sexual abuse to Rape Crisis. If the prevalence of child sexual abuse has been constant, irrespective of ethnicity as argued by Wyatt, other reasons might account for the over representation of New Zealand Maori in reported and clinically referred samples. This could be a reflection of how our society polices, but it might also reflect cultural differences in attitudes towards secrecy and confidentiality.

Two studies asked adult respondents why they had not reported child sexual abuse or rape to the police. The reasons given for both these studies have been summarised in *Table 3.ii*.

Table 3.ii: Reasons For Non-Disclosure

Victims of Child Sexual Abuse Anderson et al. NZ 1994	Victims of Child Sexual Abuse or Rape Easteal Australia 1994a
Expected to be blamed	Prior bad experience with the police
Embarrassment	Shame
Not wanting to upset anyone	Shock
Expected disbelief	Didn't believe the police would act
Not bothered by abuse	Didn't believe it was rape
Wished to protect the abuser	Knew the perpetrator
Fear of abuser	Fear of perpetrator
Wanting to obey adults	

Despite the methodological differences between these two studies such as definitions, survey sample and age at the time of the assault, the reasons given by the respondents were similar. This has suggested that the age and maturity of victims might not have influenced their ability to disclose or criminally report that they had been sexually victimised as children. The findings of the Otago Women's Health Survey indicated that only a small number of victims might have wanted to disclose abuse. Given that victims have been more likely to be sexually abused as children by someone they knew, they could be reluctant to disclose or criminally report an offender with whom they have had some sort of relationship.

Significant numbers of victims of child sexual abuse might have kept the secret for decades prior to disclosing sexual victimisation. This has impacted on victims of child sexual abuse and society in general. Eastal (1994a:331) commented that "[k]eeping the assault a secret has been found to exacerbate the effects". Not only have the psychological impacts of child sexual abuse been exacerbated but also the economic consequences of child sexual abuse. These consequences have significant costs for victims, their families and the broader society.

Conclusion

It has not been difficult to understand the confusion surrounding research findings that have investigated the sexual abuse of children. Differing methodological approaches have provided findings that would appear to have little relationship to each other. Given the dynamics of child sexual abuse, researchers have agreed that any study based on reported incidents of child sexual abuse was unlikely to be accurate. Incidence studies could be seen as being more reflective of how many new incidents of child sexual abuse have been reported in a defined period to an investigative authority.

Prevalence studies, because of methodological differences, have at times been misreported and misunderstood. The resultant discrepancies combined with the lingering influence of Sigmund Freud, and the emergence of debates related to recovered memory and false allegations, have contributed to a lack of confidence in the accuracy of prevalence studies. It seems that prevalence studies have been further

confounded by the ability of victims to remember abuse. Despite evidential documentation, a significant number of victims appeared unable to recall that they were sexually abused in their childhood. These particular victims were more likely to have been sexually abused by an offender who was known to them or to have been sexually abused with force. It could be possible therefore, that prevalence studies might underestimate the prevalence of these categories of child sexual abuse: sexual abuse perpetrated by an offender known to the victim and sexual abuse that has included force. Despite the methodological differences, the studies reviewed in this chapter have provided undeniable evidence that for a large number of children in our society, sexual abuse has been a normal experience.

The analysis of disclosure and criminal reporting confirmed that while a large number of victims disclosed to someone else, very few reported to the police. As with rape it has been likely that only a very small percentage of all child sexual abuse has proceeded to a conviction. A significant number of victims did not actually want to disclose the sexual abuse they were subjected to as children. This could be interpreted as further indication of the effectiveness of children at maintaining the secrecy, which has enabled child sexual abuse to persist. However, given that the studies reviewed in this chapter indicated that most offenders were known to the victim, it could be an indication that victims of child sexual abuse were reluctant to disclose if they had an emotional relationship with the offender. I will explore this issue further in Chapter Six: The Stockholm Syndrome.

Late disclosure has had implications for therapeutic agencies and legal services. They might see victims disclosing abuse for the first time. They should understand the reasons for late disclosure so they do not underestimate the seriousness of the experience. Not only has late disclosure complicated the psychological consequences of child sexual abuse, it has also exacerbated the economic consequences for victims their families and the broader society.

Chapter 4

Economic Consequences of Child Sexual Abuse

Introduction

The increase of research in the field of child sexual abuse has not only established the prevalence of child sexual abuse, it has also investigated the consequences for victims of child sexual abuse. There have been a number of studies that have confirmed and documented the long term, psychological impacts of sexual assault on both adults and children (Prentky and Burgess, 1990:108). Such research has enabled those working with victims of child sexual abuse to more competently ensure that the immediate safety of victims of child sexual abuse was addressed as they sought assistance. However, the long lasting psychological effects of child sexual abuse have not been the only consequences that victims were subjected to.

There has been a growing body of research acknowledging that the impacts of child sexual abuse have been more far reaching than the psychological impact on the individual victim. This has been further validated by those studies that have explored the consequences for victims of crime. Undeniably, the sexual abuse of children has been a crime and victims would experience similar consequences and costs that all victims of crime have been subjected to. The consequences of child sexual abuse have impacted not only on every aspect of the lives of victims but also their families and the broader society. In this chapter, I will identify the economic consequences of child sexual abuse and review those studies that have explored the subsequent costs of this form of violence. This review will demonstrate that the economic consequences of child sexual abuse are sufficiently significant that they justify interventions designed to minimise the consequences and costs.

Before proceeding with this discussion I will clarify the terminology that will provide the basis for this discourse. Consequences have been understood as the result or the impacts of the sexual abuse of children. According to *The Concise Oxford*

Dictionary “economic” has been defined as relating to “...the science of the production and distribution of wealth” (Allen, 1990:372). Economic consequences, therefore, are those consequences that have impacted on all those who have been affected by the sexual abuse of children. The costs of child sexual abuse have been understood as the attempt to quantify these consequences into dollar terms. However, before the costs of child sexual abuse could be explored the economic consequences for victims of child sexual abuse should be identified.

Economic Consequences For Victims of Child Sexual Abuse

Batya Hyman (1993:2)²⁵ investigated whether the experience of child sexual abuse adversely affected the economic welfare of adult women. She used the data generated by the 1985 National Lesbian Health Care (NLHC) survey, a self-administered questionnaire completed by 1925 participants, which gathered information about various aspects of health including childhood victimisation and adult economic welfare (Hyman, 1993:1). Although child sexual abuse was not the focus of the NLHC survey, Hyman (1993:183) argued that the prevalence of child sexual abuse in this sample, 32%, was similar to the prevalence of child sexual abuse in other studies²⁶.

Hyman (1993:45-46) contended that the only other available models for analysing the long-term consequences of child sexual abuse were the Traumagenic Dynamics model (Finkelhor and Browne, 1985) and the DSM-III diagnostic category Post-Traumatic Stress Disorder (American Psychiatric Association, 1987). These models theorised that “...child sexual abuse affects many aspects of the developing child’s personality”, and “...the effects are often manifest in adulthood” (Hyman, 1993:45). Both models attempted to make links between an experience, which in the instance of child sexual abuse had occurred in childhood, and consequences that could be observed later, in this instance as an adult. The Traumagenic Dynamics model listed behaviours that could be associated with four variables: traumatic sexualisation,

²⁵ The methodology of Hyman’s study was explored more fully in Chapter 3: Quantifying Child Sexual Abuse.

²⁶ Refer to Chapter 3: Quantifying Child Sexual Abuse for a complete discussion.

betrayal, stigmatisation and powerlessness. Post-Traumatic Stress Disorder focused on emotional functioning and the way the individual re-experienced a traumatic experience. Hyman (1993:46) noted that as neither of these models focused on the functioning of the individual in daily life, or more specifically the ability "...to perform daily tasks and function in the workplace", they were insufficient to assess the economic welfare of child sexual abuse victims.

To define economic welfare, Hyman (1993:47) referenced Fuchs (1986:459) who argued that economic welfare was "access to goods and services and leisure". She also noted that economic well being was often measured by the number of hours in work, income, or employment status and concluded that economic welfare could be measured by analysing "...whether a woman works, how many hours she works, the status of her occupation, and her annual earnings" (Hyman, 1993:50). Hyman noted that the American Couples survey (Blumstein and Schwartz, 1983:130, cited in Hyman, 1993:48) had reported that lesbian women viewed themselves as workers, as opposed to providers or dependents. By generalising this to the NLHC population, she therefore assumed that the women in this survey were highly motivated to work. Although Hyman noted that a climate of discrimination has persisted for all women in the workplace, she argued that victims of child sexual abuse would experience a greater disadvantage than those who had not reported child sexual abuse. She argued, "...the fact that many of these female-dominated occupations involve caregiving (social work, nursing) also meshed with the styles of victims who have been socialized to put the needs of others before their own" (Hyman, 1993:49-50). She hypothesised that victims of child sexual abuse were less equipped to cope with the stress of male dominated occupations and would tend to be over-represented in the lower paying female dominated occupations.

Hyman completed a series of complex statistical analyses that compared the responses of the two subgroups, those who had reported child sexual abuse and those who had not, to determine if the experience of child sexual abuse negatively impacted on the functioning of adult victims in the areas of health, mental health and education (Hyman, 1993:2). Hyman hypothesised that the functioning in these important spheres of women's lives impacted on their ability to acquire prerequisite skills that would ensure their successful participation in the workplace.

Health

At the time of the survey, victims reported a greater number of current health problems than those who had not been sexually abused as a child (Hyman, 1993:112-114). Victims of child sexual abuse reported on average one more health problem than the women who had not reported child sexual abuse. Within the various categories of child sexual abuse, victims, who had experienced intra-familial child sexual abuse with coercion, reported the greatest number of health problems. More specifically these were gynaecological problems, headaches and gastrointestinal complaints. Victims of child sexual abuse reported on average 3 gynaecological complaints compared to 2.5 by the women who did not report they had been sexually abused. Nineteen per cent of victims reported problems with migraine headaches in the past compared to 12% of the women who had not reported child sexual abuse. Fourteen per cent of victims reported that they were currently experiencing problems with ulcers compared to almost 7% of those women who had not reported child sexual abuse in the NLHC survey.

Mental Health

Child sexual abuse victims reported more mental health problems both historically and currently, than did those women who had not reported child sexual abuse (Hyman, 1993:115-116). Specifically these problems were identified as depression and anxiety. Forty-six per cent of victims reported experience of a long depression, compared with 37% of the women who had not reported child sexual abuse. Twenty-eight per cent of victims reported problems with anxiety, compared with 18% of the women who had not reported child sexual abuse. Twenty-seven per cent of victims reported an attempted suicide, compared with 13% of the women who had not reported child sexual abuse. Victims in general were not more likely to be hospitalised for mental health issues than the women who had not reported child sexual abuse in the NLHC survey, but those victims who had experienced intra-familial child sexual abuse without coercion were more likely to have been hospitalised.

Education

Child sexual abuse victims were less likely to have graduated from high school, or college, and were less likely to have acquired a post graduate degree when compared to those women in the survey who had not reported child sexual abuse (Hyman, 1993:118-119). A victim who had been abused by someone outside of her family was the least likely to acquire a postgraduate degree. Within the group of victims, women who had been sexually abused by a family member were the most likely to have acquired a college degree or postgraduate degree. Hyman commented that women who had experienced intra-familial child sexual abuse might have adopted techniques that enabled survival outside of the family, while other victims had perhaps perceived the world outside the family as too unsafe for survival. Hyman concluded that the victims of child sexual abuse in the NLHC survey “had poorer health, more mental health difficulties and less education” than the women who had not reported an experience of child sexual abuse. Her findings have been summarised in *Table 4.i* (page 106).

Economic Status

Hyman (1993:119-127) identified three measures of economic status: participation in the labour force, status of the chosen occupation and annual earnings. The victims of child sexual abuse in the NLHC survey were less likely to work full time, more likely to be engaged in part time work and more likely to be unemployed than those women who had not reported child sexual abuse. To determine the status of various occupations Hyman used the framework devised by Amott and Matthaei (1991), which categorised occupation into primary and secondary labour markets. The primary labour market was divided into two tiers. The upper tier consisted of “...white-collar salaried employees or self-employed workers with high status, autonomy, and often, supervisory capacity” (Amott and Matthaei, 1991:26, cited in Hyman, 1993:122). The lower tier of the primary labour market included those occupations that generated high earnings but involved less autonomy. The secondary labour market, also divided into two tiers, was characterised by “...low wages, few or no benefits, little opportunity for advancement, and unstable employment” (Amott and Matthaei, 1991:26, cited in Hyman, 1993:122). Occupations in the secondary labour market were frequently part time or temporary positions, and did not reward

education and experience. The upper tier of this segment included clerical workers and health technicians; the lower tier included service workers and labourers.

Table 4.i: Comparison of the Amount of Education Acquired by Child Sexual Abuse Victims and Other Women

Form of Child Sexual abuse	Percent who are High School Graduates	Percent who are College Graduates	Percent who Earned Advanced Degrees
No Reported experience of CSA (N=1313)	98.6	74.4	35.9
Any Form of CSA (N=612)	94.1****	57.0****	21.7****
Intra-familial no coercion (N=367)	93.5****	56.4****	23.4****
Intra-familial with coercion (N=137)	92.7****	54.0****	22.6**
Extra-familial, known perpetrator (N=188)	93.6***	55.9****	17.0****
Extra-familial, unknown perpetrator (N=137)	92.7****	53.3****	10.2****

Note: Table presents results of individual crosstabs of each type of CSA by education where the specific type of CSA = 1 and all other types of CSA as well as no CSA = 0 in order to allow overlap in the forms of CSA.

*p≤.10

**p≤.05

***p≤.01

****p≤.001

(Hyman 1993:118)

Hyman's findings have been summarised in *Table 4.ii* (page 107). She found that of the women who had reported their occupation, victims of child sexual abuse were more likely to hold secondary labour market occupations than those women who had not reported an experience of child sexual abuse. Victims of child sexual abuse in the NLHC survey were more likely to be employed as clerical or service workers than professionals or managers. Within the various categories of child sexual abuse,

victims who had been sexually abused in childhood by a stranger were the least likely to report employment in the upper tier of the primary labour market. These same victims were three times more likely to report employment in the lower tier of the secondary labour market than those women who had not reported an experience of child sexual abuse.

Table 4.ii: Association Between CSA and Occupation Status: Results of Five 2 X 4 Chi Square Analyses

Type of CSA	Upper Tier Primary (percent)	Lower Tier Primary (percent)	Upper Tier Secondary (percent)	Lower Tier Secondary (percent)
None	77.2	5.3	10.5	7.1
Any form of CSA****	65.2	4.5	14.5	15.8
Intra-familial without coercion****	65.5	4.5	13.3	16.7
Intra-familial with coercion*	68.4	5.1	9.2	17.3
Extra-familial known perpetrator***	63.4	4.2	19.7	12.7
Extra-familial unknown perpetrator****	62.4	5.0	10.9	21.9

Notes:

1. Upper Tier Primary includes professionals and managers.
Lower Tier Primary includes craftswomen.
Upper Tier Secondary includes clerical workers and operatives.
Lower Tier Secondary includes service workers, farmers, and laborers.
2. Chi-square analyses were performed for occupation status (with 4 mutually exclusive categories) by each type of CSA to allow women to appear in more than one CSA category.
3. This table may be read that 65.2 percent of the women who reported an experience of child sexual abuse worked in an upper tier primary occupation.

*p≤.10

**p≤.05

***p≤.01

****p≤.001

(Hyman 1993:124)

Hyman found that victims of child sexual abuse reported annual earnings that were less than those women who had not reported child sexual abuse. Her findings in

relation to annual earnings have been summarised in *Table 4.iii*. Within the categories of child sexual abuse, victims who had reported intra-familial child sexual abuse with coercion earned less than those who had reported intra-familial child sexual abuse without coercion. Victims who had been sexually abused by an unknown offender appeared to earn the least.

Table 4.iii: Association Between the Experience of Child Sexual Abuse and a Woman's Annual Earnings

Explanatory Variable	Mean Earnings	F Value
No Reported CSA Group	\$18,983	
Any form of CSA	\$17,104	15.46****
Intra-familial, no coercion	\$17,570	3.17*
Intra-familial, with coercion	\$16,019	8.70***
Extra-familial, known perpetrator	\$17,100	3.58**
Extra-familial, unknown perpetrator	\$15,330	14.39****

Note: Separate Analyses of Variance were performed with each type of CSA = 1 and all other forms of CSA As well as no CSA = 0

*p≤.10

**p≤.05

***p≤.01

****p≤.001

(Hyman 1993:128)

On the basis of her analysis of the NLHC survey, Hyman therefore assumed that victims, on average, enjoyed less autonomy, status and income than the women in the survey who had not reported child sexual abuse, and concluded that child sexual abuse negatively impacted on the economic welfare of women.

Hyman (1993:133) noted that her analyses suggested an interrelationship between child sexual abuse and a woman's health, level of education, choice of occupation and level of income. By using recursive analysis, Hyman (1993:166-67) confirmed these relationships as they applied to those women who had reported being sexually abused as a child in the NLHC survey. Hyman (1993:164) concluded "...in this study, the effects of child sexual abuse on a woman's economic welfare are a

composite of the effects of child sexual abuse on her health, mental health, education, labour force participation, occupation status, and annual earnings". Furthermore, she concluded that in this sample the experience of child sexual abuse has had a profound effect on the lives of victims and their dependants.

Although Hyman has not calculated the dollar costs to women or attempted to calculate any costs for governments or society, she noted that victims of child sexual abuse appeared vulnerable to revictimisation.

Revictimisation

Hyman (1993:109-110) found that victims of child sexual abuse were more likely to be sexually victimised as adults, either by people they knew or by strangers, when compared to the women who had not reported child sexual abuse. She noted that these findings were comparable to those of an earlier study by Fromuth (1986). Of the four categories of child sexual abuse, those victims who had reported intra-familial child sexual abuse appeared most vulnerable to revictimisation as an adult. The least vulnerable were those who had reported they had been sexually abused in childhood by a stranger. With regard to physical abuse, victims of child sexual abuse appeared to be more vulnerable to physical assault as an adult and more likely to have been battered by husbands than those within the survey who had not experienced child sexual abuse. She noted that her findings were comparable to the earlier studies of Russell (1986) and, Briere and Runtz (1988).

Hyman's study indicated that victims of child sexual abuse experienced consequences that impacted negatively on their economic welfare. These consequences combined with revictimisation indicated that the dollar cost of child sexual abuse was a substantial cost for all those affected. While Hyman did not attempt to determine the economic consequences for society in general, her study highlighted the far-reaching implications for victims of child sexual abuse and provided a framework within which studies that have attempted to quantify the consequences could be understood.

Quantifying the Consequences

The costs of child sexual abuse have been diverse. William Marshall (1992:109) commented that child sexual abuse victims have experienced emotional distress, psychiatric problems, behavioural deviations, sexual disorders, relationship difficulties, and diverse physical complaints. Richard Krugman (1992:50,51) argued that the failure of society to effectively deal with the sexual abuse of children has created significant downstream costs. His reference to Clare Haynes' study of non-organic failure to thrive (1984) highlighted the diversity of these costs. Haynes identified that 42% of the mothers in her study whose infants had failed to thrive were victims of childhood incest (Krugman, 1992:51). The costs of child sexual abuse to victims and government, the providers of health services and mental health services, although possibly inestimable, have been substantial.

When child sexual abuse has been disclosed family structures and relationships have been destroyed or severely damaged, and other family members, including those of the offender, have suffered long term impacts and financial losses (Marshall, 1992:110). As disclosures have been made and victims have initiated criminal reporting further costs have been incurred as society responded to this form of criminal activity. These costs have impacted on victims, their families and government through the provision of criminal justice services. The consequences of child sexual abuse have not been limited to victims and furthermore these consequences have created enormous costs for victims, their families and society.

Quantifying the costs of child sexual abuse has had several dimensions: tangible costs versus intangible costs, direct costs versus indirect costs, and finally but not least, opportunity costs. Tangible costs have been easily quantifiable in dollar terms and have included medical bills, counselling expenses and productivity losses due to time lost from paid employment. Intangible costs have been less easily quantifiable because they have covered pain, emotional trauma and loss of quality of life. In economic terminology direct costs have been those costs which were directly associated with the production of a good or service (Pass et al., 1993:130). Indirect costs have been any costs that were not directly associated with the production of a good or service (Pass et al., 1993:390).

When applied to the costs of crime, the direct costs would be those that were directly incurred by the criminal act and the indirect costs would be those costs that were incurred by society's response to crime. Opportunity costs would measure what was forgone by producing a good (Pass et al., 1993:382). In any crime, the opportunity costs or economic costs would be those opportunities that were lost through a criminal act. An example could be the income not earned over a woman's lifetime as a result of the stress caused by a sexual assault, which paralysed her to such an extent that educational opportunities could not be taken up, thereby limiting her employment opportunities. Equally, the opportunity cost could be the denied opportunity of emotional fulfilment of a relationship with a partner or other family members. While economists might refer to this as an opportunity cost, a victim could understand this loss as a direct consequence of his or her victimisation.

Despite the lack of research in this field, there have been some studies that have attempted to calculate the dollar costs of various forms of violence against women. As with prevalence studies of child sexual abuse, the different methodologies used in these studies have complicated any attempts of a comparative analysis, particularly in relation to the concepts of direct/indirect costs, tangible/intangible costs and opportunity costs. Not all researchers in the following studies have identified the nature of cost categories. Nevertheless, they have highlighted the diversity of the costs incurred by sexual violence.

Queensland Australia

An Australian research project, "*Who Pays? The Economic Costs of Violence Against Women*" (Blumel et al., 1993), was conducted by the Sunshine Coast Interagency Research Group. Utilising a retrospective case study approach of actual cases, it estimated the economic costs of three forms of violence: domestic violence, rape and sexual assault (Blumel et al., 1993:1). The participants, adult women, were interviewed face-to-face, by experienced interviewers (Blumel et al., 1993:11,54). For the domestic violence section, the experiences of ten women were studied; all of whom had acknowledged the domestic violence and had begun to seek help at least two years prior to the interview (Blumel et al., 1993:11-12). Of the twenty women studied in the rape section, six had a disability or chronic illness (Blumel et al.,

1993:55). Within the sexual assault section, eight of the twenty women studied had a disability or chronic illness (Blumel et al., 1993:60). The women in the rape and sexual assault sections reported they had been raped as adults. Age at the time of the rape or sexual assault varied between 17 and 70 (Blumel et al., 1993:56). All respondents in the research project participated in a two to three hour interview based on a survey form, containing 43 questions on domestic violence or 50 questions on rape or sexual assault (Blumel et al., 1993:11,54).

Incidence rates for domestic violence were based on a review of the literature, conducted in 1989, by the Queensland Domestic Violence Task Force (QDVTF). Due to an absence of Australian information, the QDVTF used the incidence rates determined by a North American study, which were quoted as follows.

- *Between one-quarter and one-third of American marriages will experience at least one violent episode;*
- *One in ten American women has been attacked by her spouse in the preceding year;*
- *In one year, 3 – 4% of women in domestic relationships with men could be considered battered wives.*

(Blumel et al., 1993:10)

For purposes of the Queensland research project, the researchers therefore assumed that 3 to 4% of women in domestic relationships with men could be considered to experience domestic violence on an annual basis (Blumel et al., 1993:10-11). The estimated number of women in marriage or de facto relationships in Queensland at June 30, 1991, was 681,900, and 3% of this number would be 20,457. Incidence rates of rape and sexual assault were based on a victims' survey conducted in Queensland in 1991 (Blumel et al., 1993:52-53). This survey indicated that 2,500 women had reported a sexual assault, rape or attempted rape. Debra Blumel's team argued that self-report rates made by victims represented only one third of the actual incidence rate for rape²⁷. "...[M]any women who have been raped do not consider it to have been rape, and others do not consider rape to have happened when it occurs within a marriage" (Scutt, 1990, cited in Blumel et al., 1993:52). It was therefore assumed for purposes of this study that 7,500 women were raped or sexually assaulted in Queensland during 1992.

²⁷ Refer to Chapter 3: Quantifying Child Sexual Abuse For a complete discussion on incidence rates.

The researchers utilised a ground-up costing process, arguing that this method did not limit complex problems to unrealistic parameters (Blumel et al., 1993:1). The costs that were measured included direct costs and opportunity costs for the victim, her children, family and friends, the community through the provision of various goods and services that were used by victims, and the known costs generated by offenders that could be identified by the respondents (Blumel et al., 1993:9,52). The identified cost categories were similar across the three forms of violence. These have been summarised in *Table 4.iv* with a brief description of the category.

Table 4.iv: Cost Categories

Cost Category	Description
Income Support	Provision of income support
Accommodation/housing	All costs associated with relocation and security
Police	Callout, investigation, prosecution
Criminal Justice	Processing through courts, imprisonment
Legal Costs	Legal representation
Emergency Relief	Cash assistance, food parcels, household items
Crisis Line	Use of various crisis telephone services
Information/Referral	Use of other information services
Counselling	Provided by various community organisations
Ambulance	Emergency transport to hospital
Health/Medical	Public and private health provision
Motor Vehicle/Transport	Purchase of vehicle, additional transport
Child care	Emergency care
Remedial teaching/ Guidance officer	Support of children affected by violence
Personal Items	Replacement clothing for victim and children
Third party costs	Costs incurred by others supporting the victim
Opportunity Costs	Lost wages or loss of employment for the victim

(Blumel et al., 1993)

Service agencies identified by respondents were contacted to ascertain the costs for the particular services provided (Blumel et al., 1993:14). As offenders' costs were dependent on respondents' knowledge of the services used, these costs were incomplete. Neither did they include opportunity costs or loss of earnings experienced by the offender. Direct costs were analysed to determine which service was used and who carried the financial burden. For each case the costs were divided by the number of case years for that particular case to produce a cost per case year. The number of case years were calculated by counting the years from "...when an economic cost was first generated in that case, not from the time the violence started" (Blumel et al., 1993:15). The average costs per case year for all respondents in each section of the research project were added together and divided by the number of respondents in each section to produce an average cost per case year for the three forms of violence. Finally the costs were extrapolated to the broader population base of Queensland, Australia.

The researchers estimated that the average economic cost of domestic violence per subject, per case year, was \$A27,211 (Blumel et al., 1993:49). This amount included direct costs, opportunity costs and those costs that were identified as generated by offenders. The corresponding costs for rape per case year were \$A11,568 (Blumel et al., 1993:97) and for sexual assault the costs per case year were \$A5,327 (Blumel et al., 1993:125). The average cost of rape and sexual assault combined was \$A8,448 per incident, per case year (Blumel et al., 1993:126). Assuming that 20,457 Queensland women were battered each year, the annual cost could be estimated at \$A556,655,427 (Blumel et al., 1993:50). Based on an estimated 7,500 women who had been raped or sexually assaulted in Queensland in 1992, the researchers concluded that the total average cost of rape and sexual assault in Queensland per year could be reasonably and conservatively estimated at \$A63,356,250 (Blumel et al., 1993:126). The total cost of violence against women in Queensland was therefore estimated at \$A620,011,677 per year.

The state, through the provision of services, carried the greater proportion of the direct costs. However, in all three sections of the study the researchers estimated that the victim carried between 19 and 20% of the direct costs herself (Blumel et al., 1993:32, 81,110). For this calculation the costs generated by offenders were kept

separate. If they were to be included the state burden would increase. Some costs generated by offenders were carried by the state as they included such costs as those related to imprisonment (Blumel et al., 1993:96,124). The average opportunity cost, per case, per case year, or those costs related to a victim's loss of earnings, were \$A12,929 for domestic violence, \$A1,912 for rape and \$A39 for sexual assault (Blumel et al., 1993:49, 97, 125). The average cost per case, per case year of those costs generated by offenders were \$A962 for domestic violence, \$A1,790 for rape and \$A2,788 for sexual assault (Blumel et al., 1993:49, 97, 125). More complete information regarding costs generated by offenders could alter these findings considerably, and it should be noted that costs generated by the victims of this study did not cease on completion of the research project.

The costs that were identified in this study were those related to an event that has occurred in adulthood. The costs incurred impacted on the victim, the state and third parties. The identified costs emphasised short term costs and did not account for any long term costs, such as opportunity costs to children, who were perhaps unable to continue with education, thereby limiting future opportunities. It was acknowledged that victims of rape and sexual assault needed support and services to assist them not only at the point of the crisis, but also in the long term (Blumel et al., 1993:51). As noted previously, Patricia Easteal (1994a:331) argued that non disclosure of abuse exacerbated the effects of victimisation. Children, who have been sexually abused, frequently would not have access to support services until adulthood. It would be reasonable to assume, therefore, that the costs of child sexual abuse could be greater in the long term than rape or sexual assault that has occurred in adulthood.

New Zealand

Coopers and Lybrand were commissioned by the Family Violence Unit of the Department of Social Welfare New Zealand to report on the economic cost of family violence in New Zealand (Snively, 1994:ii). This commission was initiated by the interest expressed in the New South Wales (NSW) Domestic Violence Strategic Plan, which included a costing of domestic violence. Coopers and Lybrand were commissioned to replicate the NSW study in New Zealand. The final report was written by Suzanne Snively of Coopers and Lybrand and was entitled *The New*

Zealand Economic Cost of Family Violence (NZECFV). Published in 1994, this report represented the first study of its kind in New Zealand and has provided the basis for the estimation of costs of child sexual abuse in New Zealand, which I will explore in Chapter 11. Consequently, I have reported this study in detail.

The NSW study viewed family violence as domestic violence: that is, violence and abuse perpetrated upon a partner, and included only that which had been acknowledged as domestic violence by the victim to a third party (Snively, 1994:3-5). This acknowledgment formed the basis of the approach adopted in the NSW study. Three stages were identified to enable an analysis of the costs related to domestic violence.

- *Stage One: non-disclosure*
- *Stage Two: Acknowledgement and Help Seeking*
- *Stage Three: Building an Alternative Life*

(Snively, 1994:4)

Women in Stage One had not yet begun to seek help and as such did not appear in countable populations. Estimates of aggregate costs for these women relied heavily on prevalence studies. In this stage victims personally carried the full burden of costs related to any violence. However, if any services accessed by a victim of family violence were subsidised by the state in any way, even though the victim had not yet disclosed or acknowledged the violence, this cost was borne by the state. An example would be a victim who accessed an Accident and Emergency Department of a public hospital with an injury caused by violence, but was able to give a relatively plausible reason for the injury.

In Stage Two, victims had acknowledged violence in their lives and had begun to seek help. These people could be counted as they sought assistance through various agencies and costs could be aggregated. Costs included immediate relief, alternative accommodation, and retraining for re-entry into the work place. Other costs in this stage included police intervention, legal and court expenses and other support networks. The basis for estimating the numbers of women in this stage was by those who requested police assistance. The NSW study assumed that for every one person

who contacted the police another five would seek assistance elsewhere. Therefore one in five was the chosen ratio for estimating the costs of domestic violence.

People in Stage Three, as with those in Stage One of the NSW study, did not form part of the countable population. They were no longer in violent relationships; either living separately or, due to some intervention, the violence had apparently ceased. This is not to say that the effects of violence ceased in this stage. Some forms of family violence have continued well after the relationship has ceased. Irrespective of whether the family violence had ceased or not, the costs of this form of violence have continued to accrue.

The estimates for the NSW study focused on those people who were part of a countable population: those victims in Stage Two who had acknowledged the violence and were seeking help. The New Zealand study adopted a similar approach. Snively acknowledged that there would have been a better understanding of the total economic costs of family violence if all three stages of the NSW study, as outlined above, were included in the costing analysis. Such an approach would not only have included victims in Stage Two, but also would have included those estimated to be in Stage One and Stage Three, based on prevalence estimates. She commented that confining a costing analysis to victims in Stage Two might have more credibility for some observers, than the adoption of a more hypothetical approach. An analysis of costs based on Stage Two was, therefore, a very conservative estimation of the total costs of family violence. Prevalence studies indicated that many people who had experienced violence and abuse did not acknowledge this to themselves, let alone other people.

Snively further developed the methodology of the NSW study, analysing the data within a New Zealand context. The accepted New Zealand definition of family violence, and the one used for the NZECFV, was not only restricted to partners, but also included violence and threats of violence perpetrated by family members on other family members (Snively, 1994:3). This included physical, psychological and other forms of non-contact violence perpetrated on men, women and children within a family. The sexual abuse of children was not specifically defined within the definition of family violence, but neither was it excluded.

A seminar held in June 1994 enabled consultation with a wide range of government agencies and community groups with knowledge of, and interest in issues related to family violence (Snively, 1994:1). This enabled Snively to refine the methodology, to identify expertise, and to gain access to the most recent data. It was established at this seminar that the understanding of prevalence rates varied among the seminar participants and so it was agreed to use three ratios to estimate the numbers of women and children experiencing family violence: one in four, one in seven and one in ten (Snively, 1994:6).

Snively (1994:11) noted that service providers in New Zealand widely accepted that the prevalence rate for family violence was 14%, or that one in seven people experienced family violence. This figure also represented the halfway point of the range of prevalence rates presented by the participants at the June 1994 seminar. The prevalence rate of one in seven was comparable to studies in other Commonwealth countries, although as was the case in New Zealand, some authorities indicated that prevalence rates could be as high as one in four while others indicated a more conservative rate of one in ten. Snively, therefore, used the one in seven prevalence rate to develop the spreadsheet model from which the other prevalence rates, one in four and one in ten, could then be calculated (Snively, 1994:6).

At the end of March 1994, a ratio of one to seven suggested that 481,989 people had experienced family violence as either a victim, or, as an offender (Snively, 1994:11). As the analysis focused on the costs of family violence to women and children, the projected estimate of victims were so calculated: one in seven women at this time represented a total of 172,125, and one in seven children represented 129,566, a total of 301,691 women and children who had experienced family violence. The higher prevalence rate of one in four, or 25%, would increase the total number of people affected by family violence in New Zealand to 858,738. These projections, although they represented estimated numbers of family violence victims, did not indicate whether the victims were in Stage One or Stage Two.

Three different sets of assumptions, or scenarios, were used for each prevalence rate. These were a base scenario, a five times callout scenario and an income foregone scenario (Snively, 1994:7). In the base scenario, direct costs were based on the

characteristics of those families who had contacted the police. An expansion of the costing analysis included indirect costs from other known activities generated by those people who had not contacted the police. Although these people had not acknowledged family violence by contacting the police, they could have acknowledged this to other agencies. The numbers of victims identified in Stage Two were conservatively estimated by assuming one victim for each callout recorded by the police, who reported 37,144 callouts for the year ending December 31, 1993 (Snively, 1994:13). The numbers of Stage One victims were calculated by estimating the numbers of victims using the various prevalence rates, and deducting the known numbers of victims in Stage Two: 37,144. For example, by using the one in seven prevalence rate, it could be estimated that 301,691 women and children were affected by domestic violence. By deducting the 37,144 Stage Two victims, it could be estimated that there were 264,547 women and children in Stage One.

The second scenario, the five times callout scenario, was based on research findings and the underlying assumption of the NSW study. The total number of victims in both scenarios, irrespective of which group they were counted in, Stage One or Stage Two, remained constant within each prevalence rate. The five times callout scenario estimated that 185,720 women and children were in the Stage Two group: for each of the known 37,144 victims there were five who did not report to the police (Snively, 1994:8). Therefore by deducting the number of victims in Stage Two, 185,720, from the total number of 301,691 women and children affected by family violence as per the one in seven ratio, it could be estimated that there were 115,971 victims in Stage One.

The final scenario, the income foregone scenario, was premised on a growing body of evidence that family violence could act as a barrier to women entering or remaining in the work place (Snively, 1994:7). This scenario attempted to estimate the loss of earnings experienced by those victims who were in paid employment prior to the acknowledgement of the family violence. Loss of wages for the number of estimated victims in either Stage One or Stage Two was calculated, with reference to the average female wage, and added to the five times call out scenario (Snively, 1994:14). Income foregone was not calculated separately for the base scenario.

These estimates and assumptions formed the basis for Snively's analysis of costs, which used actual New Zealand data where it was available. If New Zealand data or estimates were unavailable, Snively used the data and estimates generated by the NSW study (Snively, 1994:10-15). The first step of the costing analysis was to estimate the direct costs to individuals, the second step was to estimate costs to government and the final step was to estimate costs to others. The cost categories in the NZECFV were similar to those identified in the Queensland study. Using the one in seven prevalence rate, direct costs for Stage One victims, those who have not acknowledged family violence, were compiled to enable an estimation of the costs incurred. It was assumed that these victims carried the total costs, which were primarily medical services. However, as has previously been pointed out this has not been the case. For the income foregone scenarios, the frequency of lost work was estimated and compared to the average female wage. It was assumed that these costs were carried by victims and were included in the direct costs for victims. The lost contribution to society and the economy, in the form of paid and unpaid work, was not included.

It was identified that Stage Two victims similarly carried the costs of medical services and income foregone. The study assumed that the acknowledgment of family violence was likely to generate additional costs due to the separation of the family. The costs of securing alternative accommodation varied from refuge shelter to the purchase or rental of a separate home. Similarly, legal costs were incurred as victims attempted to protect themselves. The separation of a family incurred costs not only related to a drop in income and a reduction in the average family income, but also for an increased need for child care due to the changed family structure. Finally, victims in paid employment were likely to lose time from work as they sought assistance or made any changes in their living arrangements. All costs were calculated with reference to the various service providers and were included in the direct costs for victims.

If serious injury or death occurred there would be substantial costs for the surviving family members. Death or serious injury would be a significant cost for any family. Conservatively, these costs included burial costs, loss of the victim's earnings and in the instance of family violence, they also included the lost earnings of the offender

that were no longer available to the family. These costs were included in the direct costs for victims in both the base scenario and the five times callout scenario. Snively argued that the costs of death or serious injury impacted not only on families, but also on the New Zealand economy. She cited the 1991 study of Ted Miller and Jaradish Guria, which valued a statistical life in New Zealand at \$2 million. For the year ending December 31, 1993, the New Zealand police reported 19 homicides that could be directly attributed to family violence: eleven were women and eight were children. The statistical value of these 19 lives to the New Zealand economy, could be estimated at \$38 million and, as similar numbers of homicides were likely to occur annually, the annual cost was included in the income foregone scenario.

The analysis of the costs to government covered a wide provision of government services and funding, providing support and assistance to victims of family violence. This incorporated the major policy areas of health care, social welfare, criminal justice and law enforcement (Snively, 1994:16-19). Costs to third parties were acknowledged, and where they could be readily identified, they were estimated and included in the costing analysis. Costs to employers were identified as lost days at work through the provision of sick leave and other leave, and loss of productivity because of family violence. Snively acknowledged the difficulties in estimating costs of employers and cautioned that they were based on broad estimations. Other costs to third parties were identified as losses incurred by young people, who leave school early in an attempt to escape the family violence and establish their own independence. The study assumed there would be a wage differential between early school leavers and those who completed their high school education. These costs were estimated and included in the costing analysis. Other services which were provided to victims of family violence by the voluntary sector, such as families, friends, churches and trusts among others, were not included in the costing analysis.

This analysis formed the basis for the three scenarios based on the three different prevalence rates. The costs of family violence in New Zealand were grouped into the three scenarios, as outlined above, using the three different prevalence rates for each scenario. Based on the prevalence rate of one person in seven Snively (1994:12) conservatively estimated that the annual economic cost of family violence in New Zealand was \$1.235 billion. In this base scenario, which did not include any loss of

income, victims paid approximately 32% of the costs and the New Zealand Government, through the provision of services, paid 68% of the costs (Snively, 1994:43). The cost to government through the provision of health services alone to 37,144 family violence victims was estimated at \$140.7 million (Snively, 1994:63). Notably these health care costs were as a result of deliberate actions and not as a result of accident or disease (Snively, 1994:17).

In the five times callout scenario, 185,720 reported incidents of family violence, costs increased to \$2.739 billion (Snively, 1994:8). Of this the victim paid 69% and the New Zealand Government through the provision of services paid 31% of total costs (Snively, 1994:55). When the costs for income foregone were included, economic costs of family violence based on the prevalence rate of 1:7 were estimated at \$4.206 billion. In this scenario the victim paid approximately 77% of total costs, the government 20% and, employers through loss of productivity and young people through loss of opportunity, paid the remaining 3%, (Snively, 1994:70). In the 1993/1994 financial year, this was much more than the \$1 billion earned from wool exports, more than the \$1.4 billion spent on the unemployment benefit, and more than the \$2.5 billion earned from forestry exports (Snively, 1994:ii). Notably, this study excluded the intangible costs of family violence (Snively, 1994:13): the quantified cost of pain and suffering. However, as Snively commented "...the economic cost of family violence in New Zealand is significant for both the individual and society" (Snively, 1994:ii).

A summary of the findings of the New Zealand study has been presented in *Table 4.v* (page 123). It needs to be pointed out that these costs included those victims who were identified being in Stage One and Stage Two of the NSW study. Estimations for those who have not yet acknowledged their circumstances could be incomplete. The costs identified for the people estimated to be in Stage Two, those who have reported family violence to the police, were not isolated to this group. Victims in Stage One could have incurred similar costs. The costing analysis was based on the known number of police callouts. Many families have separated due to family violence that has never been acknowledged, let alone reported to the police. Similar costs might be incurred but because this group was not part of a countable population these costs were not included in this scenario.

Table 4.v: Economic Costs of Family Violence for 1993/94 in New Zealand

Scenario	Prevalence Rate		
	1:10	1:7	1:4
	\$B	\$B	\$B
Base Scenario	1.187	1.235	1.352
Five Times Callout Scenario	2.691	2.739	2.855
Income Foregone Scenario	3.770	4.206	5.302

(Snively, 1994:iv)

The ongoing costs related to those victims presumed to be in Stage Three of the NSW study, those who were no longer in violent relationships, were not included in this estimate. As Snively has acknowledged, the estimated costs presented in this study were very conservative. Furthermore, they were incomplete and did not measure the costs at a physical, emotional and psychological level. Finally, they did not include the true economic costs of family violence: the lost contribution to society and the economy through paid and unpaid work. Despite these limitations, and irrespective of the prevalence rate used, the costs presented in this study have represented a significant cost to New Zealand society and have been a significant burden for victims and their dependants.

Canada

A Canadian study, *The Selected Estimates of the Costs of Violence Against Women*, estimated the annual costs of violence against women in Canada (Greaves et al., 1995). These researchers argued that economic consequences of violence against women impacted on public health, mental health, education, social services, labour, policing, courts, crime, housing, income support, unemployment insurance and income tax (Greaves et al., 1995:2). This study estimated the costs of sexual assault and rape, woman abuse in intimate relationships, and incest and child sexual assault

over the four policy areas of social services and education, criminal justice, labour and employment, and health and medical. The definitions for sexual assault, rape and the sexual abuse of children were restricted to the definitions in the Criminal Code of Canada (Greaves et al., 1995:8,9). In relation to children, these included any one of the ten sexual offences defined in the Criminal code.

1. *Sexual Assault S. 271, 272, 273;*
2. *Sexual interference S. 151;*
3. *Invitation to Sexual Touching S. 152;*
4. *Sexual Exploitation S. 153;*
5. *Indecent Acts and Indecent Exposure S. 173 (1)(2);*
6. *Incest S. 155;*
7. *Anal Intercourse S. 159;*
8. *Bestiality and associated offenses S. 160;*
9. *Parent or Guardian Procuring Sexual Activity S. 170;*
10. *Householder Permitting Sexual Activity S. 171.*

(Greaves et al., 1995:9)

The researchers noted that unlike the Queensland, Australia study, not all previous studies had differentiated between direct and indirect costs (Greaves et al., 1995:9-10). They argued that it has proven difficult to apply the traditional economic definitions of direct and indirect costs to acts of violence against women. The researchers pointed out that definitions of cost categories differed between studies, as did the costs that were included in each category. The Canadian study, therefore, did not differentiate between direct costs and indirect costs, but the researchers developed a framework that distinguished between costs to the state, individual or personal costs and costs to others or third parties.

The incidence and prevalence rates were derived from the Violence Against Women (1993) survey and the revised Uniform Crime Reporting Survey, both of which were undertaken by Statistics Canada (Greaves et al., 1995:16). It was estimated that in 1993 approximately 3% of all women in legal or common-law marriages had been battered. In the same year, 5% of women over the age of 18 years reported they had been sexually assaulted within the previous year; it was therefore estimated that approximately 572,000 women were sexually assaulted each year. Finally it was estimated that there were 3,507 cases of child sexual abuse reported nationally each year. Given the population of Canada, approximately 29.24 million in 1994, these

prevalence and incidence rates were very conservative when compared to the findings of other studies²⁸.

Due to concerns the researchers had regarding the accuracy and quality of available data, several methods for estimating the costs of violence against women were used. The researchers consulted directly with representatives and policy analysts of both federal and provincial government departments (Greaves et al., 1995:10). A number of survey samples of Canadian women and government statistics were extrapolated over the broader population. Finally the researchers relied on partial surveys and case studies when national figures were not available.

The researchers estimated the costs over the four social policy areas (Greaves et al., 1995:27-30). The costs included in the policy area of social services and education were: hotel costs incurred by battered women, costs of relocating a home, self defence courses, shelter, counselling, prevention, public awareness, Kids Help Phone Line, grants to research centres, volunteer hours and non government donations, and the private shelter of victims. In the policy area of criminal justice, costs included were: costs of hearing cases in court, incarceration of offender, overseeing probation, policing costs, legal aid expenditure, and costs of compensation. Those costs identified as labour and employment were: lost earnings due to injury, loss of life, and incarceration (of offender): loss of tax revenues due to death, time missed at work, and incarceration (offender). Finally the costs associated with the policy area of health and medical were: caring for victims in emergency rooms, hospitalisation, visits to doctors and psychiatric care. These cost categories were similar to those identified in the Queensland study.

Personal costs or costs to the individual were loss of earnings for either the victim or the offender, self defence courses, and relocation costs due to a family separating and seeking alternative accommodation. Costs to the state included all those costs associated with the provision of various services across the identified policy areas and loss of tax revenues due to death, injury and incarceration. Costs incurred against

²⁸ Refer to Chapter 3: Quantifying Child Sexual Abuse for a complete discussion on prevalence and incidence rates.

third parties were volunteer work through the provision of organised voluntary services, donations to voluntary organisations and the provision of emergency shelter and various forms of support provided by friends. Personal and third party costs that were likely to be associated with the policy areas of health and medical were not available to the researchers and therefore not included in the estimated costs. Similarly, personal and third party costs associated with criminal justice were not included; neither were third party costs associated with labour and employment. Because of these limitations this study could only be a partial estimate of the costs of violence against women and should be interpreted as a preliminary estimate (Greaves et al., 1995:14).

The only cost that could be isolated as specifically pertaining to the sexual abuse of children was the annual cost of visiting a hospital which was included in the policy area of health and medical and was categorised as a cost to the state. This cost was based on 578 child sexual assault cases reported to three hospitals in 1991 and 1992, which was an average of 289 cases per year (Greaves et al., 1995:22-23). In 1994, the estimated population of Canada was 29.24 million people. This suggested an incidence rate for the treatment of child sexual abuse in a hospital of 31.94 per 1 million residents. This rate was extrapolated nationally to provide an estimation of 934 cases of child sexual assault treated at hospitals across the country in 1994. The costs of visiting a hospital were calculated to be \$C104,994 (Greaves et al., 1995:28): \$C34.02 for an emergency room visit and \$C78.57 for an attending physician (Greaves et al., 1995:23). Apparently, no other costs could be identified for the sexual abuse of children. That is not to say other costs did not exist but suggested that the researchers were unable to find any reliable data. The researchers' estimation of the annual costs of the three forms of violence against women, over the four policy areas have been summarised in *Table 4.vi* (page 127).

Of these costs the individual carried 11.5%, the state carried 87.5% and third parties carried 0.9% (Greaves et al., 1995:10). The researchers acknowledged that there were substantial gaps in the available data. Despite this study being a partial and selected estimation of the annual costs of violence against women, the costs were significant and demonstrated the profound effect that this form of violence had on the Canadian society. The researchers highlighted the “ripple effects” of violence against

women and children. They identified these as poverty, homelessness and lost physical contact or relationships (Greaves et al., 1995:2), which contributed to a sense of well being, not only for those who have experienced violence, but also their dependants.

Table 4.vi: The Annual Costs of Three Forms of Violence Over Four Policy Areas

Policy Area	Cost \$C
Social Services/Education	2,368,924,297
Criminal Justice	871,908,583
Labour/Employment	576,764,400
Health/Medical	4,255,954,322
Total Estimated Costs	4,255,954,322

(Greaves et al 1995:2)

The Canadian study has provided a conservative estimate of the costs of hospital treatment for victims of child sexual abuse. However, the discussion of the economic consequences of child sexual abuse and the costing analyses of those studies that have attempted to estimate the costs of various forms of violence against women, indicated that this cost category alone was insufficient to make any realistic estimates of the total costs. Furthermore the preceding studies have focused on tangible costs and have not attempted to quantify the costs of emotional distress. As part of an overall costing of criminal activity, the following study has specifically investigated the costs of child sexual abuse and has included an estimated dollar cost for emotional harm and lost quality of life.

The United States of America

According to Ted Miller, Mark Cohen and Brian Wiersema (1996:22), studies documenting the costs of crime in general have dated back to the Wickersham Commission (1931). Appointed by US President, Herbert Hoover in May 1929, this

commission considered issues relating to American criminal justice and initiated many academic research studies on the causes and cost of crime, the police, juvenile delinquency, the courts, probation, prisons and parole (Kyvig, 1979). Miller et al. (1996:22-23) noted that the majority of early American studies tended to include only the tangible costs of crime such as victims' out of pocket expenses, the criminal justice system and the cost of private security. They attributed Mark Cohen (1988) as the first researcher to place a dollar value on intangible costs, such as pain, suffering and lost quality of life that a victim of crime might experience. In the absence of long term data, Cohen's study measured short term costs based on an incidence rate for crime derived from National Crime Victimization Survey. By combining jury awards with the statistical value of life, Cohen could estimate intangible losses. Follow up studies have since updated Cohen's work, resulting in an index of crime for the United States of America.

Miller et al. (1996:2-4) investigated both tangible and intangible costs and consequences of personal crime for North American victims. This study estimated both the numbers of crime victims and the numbers of victimisations from 1987 to 1990. Their data sources were primarily from national surveys where the definition of crime was clearly reported, however, surveys were discarded if they were not nationally representative or were based on restrictive definitions. During the period covered by the study, the researchers estimated that the American population experienced more than 49 million crime attempts annually, of which more than 16 million were violent crimes or attempted violent crimes of murder, rape, robbery, assault, child abuse, drunk driving or arson. The number of victims was somewhat less as the researchers acknowledged series victims and conservatively estimated how many times they had been victimised. The researchers also recognised that one victim could experience more than one form of victimisation; such instances were double counted. To determine the incidence of child sexual abuse the researchers used a process of capture-recapture modelling, which estimated the number of people unknown to the system from the number known to various agencies. They conservatively estimated that in 1990, 185,000 children were sexually abused in the United States of America.

For the purposes of this study the researchers focused on those costs related specifically to victims. These analyses resulted in a schedule of estimated tangible and intangible costs for a range of crimes which included murder, child abuse, rape and sexual assault, other assault, robbery, drunk driving, arson, larceny, burglary and motor vehicle theft (Miller et al., 1996:9). Tangible costs to victims were identified as reduced productivity at work, home or school, out of pocket expenses incurred by victims such as medical care, and property related expenses. Other tangible costs included were those costs incurred by agencies on behalf of victims, such as medical services, mental health care, police services, fire services, social services, and victim services.

Medical expenses included all those costs related to any health care that was necessary in the first few months following the victimisation (Miller et al., 1996:10). Treatment costs related to child sexual abuse were obtained from a variety of health care data, which estimated the costs of non-hospitalised medical expenses directly from the available data and an inferred hospitalisation rate. The researchers were thus able to determine that each incident of child sexual abuse cost \$US490 for medical treatment. They cautioned that this costing should be viewed as a very conservative estimate given the lack of information available for the medical treatment of child sexual abuse.

Mental health care costs included payments for psychologists, psychiatrists, social workers and counsellors paid on behalf of victims (Miller et al., 1996:12-13). The processing costs of insurance claims were also included. The researchers found no estimates for mental health costs, so they conducted a stratified random sample of 168 mental health professionals representing seven different professional organisations. The survey gathered data on the number of visits clients made to mental health professionals primarily because of crime victimisation. The researchers concluded from these preliminary results, that at least 10% and possibly as much as 20% of U.S. mental health care spending was used to treat victims of violence. Mental health care spending related to victims in the U.S. for 1991 was estimated to be between \$US5.8 billion and \$US6.8 billion and that approximately one half of this spending was used by victims of historical child sexual abuse. The researchers further estimated that between 25 and 50% of those receiving mental health care

were victims of rape or child sexual abuse. The cost of mental health care for victims of child sexual abuse was therefore estimated at \$US5,800 for each victimisation.

Derived from the published statistics of police and emergency responses and various surveys, the category of police and fire services included the costs incurred by an initial response and follow up investigation of a reported crime. Compared to other tangible costs, these costs represented a small portion of the overall costs of crime. It was estimated that each victimisation of child sexual abuse represented a cost of \$US57 (Miller et al., 1996:9). These costs have been determined from actual costs and extrapolated over the estimated victim population to produce a per victimisation cost. Previous discussion has highlighted that the proportion of reported child sexual abuse has been minimal. Therefore the actual cost of each reported incident could be substantially higher.

Expenses related to victim services were those costs associated with Victim Services Agencies, Child Protective Services, foster care for children removed from homes, and services aimed at reconciling families (Miller et al., 1996:13). The researchers found little data enabling an analysis of expenses by type of victim; therefore their findings were very conservative. Costs were based on the dollar value of Federal Government grants to the various agencies providing services to victims. While these costs have been inflated to account for those organisations not funded by the Federal Government, the researchers commented that organisations not receiving Federal funds remain undercounted. Furthermore the value of volunteer hours was not included. Their findings indicated that the typical rape victim received \$US27 in victim services, which the researchers acknowledged was clearly under-estimated. The costs of victims services provided to victims of child abuse ranged between \$US1,000 and \$US2,000 per incident which reflected payments made primarily for foster care and protective services for domestic child abuse victims. Costs for victim services specifically related to victims of child sexual abuse were not discussed but were estimated to be \$US1,100 per victimisation.

The final category under tangible costs were losses due to decreased productivity which impacted on wages, fringe benefits, housework and school days lost by victims and their families (Miller et al., 1996:13). Also included in this category were costs to employers for productivity lost by co-workers of victims and expenses

related to the replacement of victims in the work place, processing costs for insurance claims and legal expenses incurred to recover productivity losses. There were no costs identified in this category that related to victims of child sexual abuse.

Intangible costs were identified as loss of quality of life. The researchers commented that while pain, suffering and a reduced quality of life did not have a market price and could not be bought or sold, victims would pay to avoid these costs (Miller et al., 1996:14). This was evidenced by the availability of such schemes as income protection insurance, disability insurance and the lengths that have been taken by some to protect themselves and their property from assault, fire and theft. The willingness of people to protect themselves in this way varied from person to person and was influenced by their life experiences, the value they place on such protection and their ability to pay. Economists analysed the amount of money or time people spent to reduce their risk of death to enable an estimation of the value of life in dollar terms.

In their attempt to quantify lost quality of life the researchers in this study reviewed the literature and found that the estimated monetary value of a fatality, including lost wages and other tangible costs, varied between \$US500,000 and \$US7 million (Miller et al., 1996:14). By adopting a mean estimate of their findings, inflating dollar values to 1993 dollars and adjusting for life expectancies of victims, the researchers estimated that the total monetary value of loss of life, including both tangible and intangible costs, was \$US2.7 million and the lost quality of life, the intangible component, was estimated at \$US1.9 million.

The researchers analysed jury awards to crime victims and burn victims to estimate the value of pain, suffering, fear and lost quality of life. They noted that although violent offenders were not frequently sued for damages, there were sufficient third party suits "...to obtain data from some 1,106 jury awards and settlements to assault victims and 361 to rape victims (including 39 assault awards and many rape awards involving psychological injury only), as well as 606 to burn victims (used to compute arson losses)" (Miller et al., 1996:15). This study did not analyse punitive awards but concentrated solely on awards intended to compensate the victim for pain, suffering and lost quality of life. The researchers estimated the functional relationship between

the tangible costs for the victim (such as lost wages and medical expenses), the characteristics of the victim (age, sex, work status and the like), the severity of the injury and the award given by the jury. By applying the functional relationship across the data set, the researchers were able to estimate the average jury award that was given as compensation for intangible costs.

This analysis resulted in a schedule of the costs of crime. The largest cost component for all crimes except burglary, larceny and motor vehicle theft, were the intangible costs. Within the category of tangible costs, productivity losses and medical costs were the most substantial. When tangible and intangible costs were combined the schedule indicated that aside from murder and arson, child sexual abuse imposed the highest monetary loss per victimisation of all other crimes (Miller et al., 1996:9). Irrespective of how the death of a victim might have occurred, for the purposes of this analysis the costs incurred by a death were considered under the separate category of fatal crime. When fatal crime was assigned to the category of the original crime, that is, if death resulted from a rape it was categorised as rape as opposed to a fatal crime, the schedule indicated that “[a]side from murder, child sexual abuse is the most serious crime, followed by rape, child physical abuse, and arson” (Miller et al., 1996:16).

The dollar value of lost quality of life, or intangible costs, for a victim of child sexual abuse were estimated at \$US89,800 per victimisation (Miller et al., 1996:9). The combined total of tangible and intangible costs for each incident of child sexual abuse were estimated at \$US99,000. These costs were estimated over the life expectancy of the victim. By apportioning these costs over the estimated numbers of victims, as opposed to the incidence of victimisations, the researchers were able to estimate that the costs per victim of child sexual abuse were \$US125,000 (Miller et al., 1996:16). The researchers emphasised that the data did not enable them to extricate the effect of multiple victimisations per victim on pain and suffering (Miller et al., 1996:15). As has been established, victims of child sexual abuse appeared vulnerable to revictimisation in adulthood (Hyman, 1993:23). Costs related to any revictimisation would be additional to the estimated costs of child sexual abuse in this study.

The costs identified in this study, both tangible and intangible costs, were identified as annual estimates. More precisely they were the discounted present value of short term and long term costs related to one year of crime (Miller et al., 1996:18). These costs could therefore be seen as the total losses associated with a given year of crime irrespective of when the losses actually occurred. The researchers pointed out that the costs per victim or per victimisation were incomplete. Quality of life, the largest cost component, could be a debatable concept. Notwithstanding, this component attempted to monetarise pain and suffering and a subsequent loss of quality of life. The researchers presumed that juries had taken into consideration any lifestyle changes that might have occurred as a direct result of victimisation (Miller et al., 1996:22). These might include relocating a home, change in employment, investing in security devices, and a subsequent reduced enjoyment of life. As the researchers commented it was not possible to determine if juries did take the costs associated with these consequences into account. The study ignored the non-victim costs of crime, that is, society's response to crime, which would include the costs of the criminal justice system, and other social costs such as the change of behaviour or security measures that could be undertaken by members of society who were concerned about crime (Miller et al., 1996:9). Because of the uncertainty in drawing associations between victimisation and suicide, the researchers excluded costs related to suicide or attempted suicide in these estimates. Neither did this study attempt to estimate the costs related to the administration of public or private disability insurance payments or welfare payments made to victims of crimes (Miller et al., 1996:17). Other omissions identified by the researchers included the long term impacts of psychological injury on victims' incomes and the "second generation costs", that is, those victims who went on to commit offences against others. Omissions not identified by the researchers included loss of opportunities victims might experience, particularly those who were victimised as children, and the very real consequences these lost opportunities might have in the future for those who were dependants of these victims.

To summarise thus far, the study conducted by Hyman (1993), outlining the economic consequences of child sexual abuse, set the context for a review of studies that have attempted to estimate the costs of violence against women and children. The methodology of these studies differed, as did what was or was not included in

the estimated costs. The Queensland study investigated the economic costs of violence against women, but did not include the costs of child sexual abuse (Blumel et al., 1993). The New Zealand study estimated the economic costs of family violence, which included all violence “perpetrated on family members, not only partners” (Snively, 1994:3). While this study did not appear to exclude the sexual abuse of children it did not itemise specific costs related to child sexual abuse. A Canadian study produced partial and selected estimates for the annual costs of three forms of violence against women over four policy areas (Greaves et al., 1995). Although this study included child sexual abuse, a lack of reliable data appeared to preclude any attempts at realistic estimations of costs identified with the sexual abuse of children. Finally, an American study investigated the costs of personal crime, which specifically itemised costs related to victims of child sexual abuse (Miller et al., 1996). Although this study attempted to quantify lost quality of life, it did not estimate the costs incurred by society as it responded to criminal activity.

Hyman (1993) identified that victims of child sexual abuse appeared to be vulnerable to revictimisation in adulthood, but the studies reviewed in this chapter did not attempt to quantify this consequence. Many aspects of violence have been difficult to quantify accurately, such as emotional suffering, deterioration of quality of life, loss of life and the impact on self-confidence and self esteem. While some studies acknowledged or attempted to quantify the effects of a drop in income, little account was made for the ripple on effects that a low income means to most families. The consequences and subsequent costs of child sexual abuse have been diverse, and as the preceding discussion highlighted, any analysis of the costs of child sexual abuse must not only acknowledge the human and social costs of this form of violence but it must also include both tangible and intangible costs.

Conclusion

Despite high prevalence rates, research related to the economic consequences of child sexual abuse has only begun to emerge over the last decade. Hyman’s (1993) analysis of the economic consequences for victims of child sexual abuse indicated that the impacts were substantial and far reaching. She identified that victims of child sexual abuse tended to have lower annual incomes and more medical problems than

women who had not experienced child sexual abuse. Furthermore victims of child sexual abuse tended to be more vulnerable to both physical and sexual assault as adults, than women who had not reported child sexual abuse. The analyses of the economic costs of violence against women indicated that the cumulative costs for victims of child sexual abuse were likely to be profound. These would be the very people who could least afford these financial costs.

Victims have not carried the cost of child sexual abuse alone. Government and the community through the provision of services similarly have carried substantial costs, as have employers and friends of the victim who have provided support and assistance. The vulnerability of child sexual abuse victims to revictimisation in adulthood has indicated that the costs of child sexual abuse have continued to accumulate. The consequences of this would continue to impact, including the creation of further opportunity costs for dependents. Given the analysis of the consequences of child sexual abuse and the resultant costs, it would make solid, fiscal sense to provide intervention both in the short term and prevention in the long term. It would be unlikely that the sexual abuse of children could ever be effectively prevented, but interventions could minimise not only the consequences of child sexual abuse but also the costs.

Research has provided an understanding of the psychological impacts of child sexual abuse enabling therapists and counsellors to support victims in the recovery process. Minimising the consequences and costs of child sexual abuse would require a multiple approach. It would not be sufficient to merely support the recovery process of victims. Offenders must be identified and prevented from sexually abusing more children. Victims must be consulted to determine firstly, why they have appeared reluctant to criminally report child sexual abuse even as adults, and secondly, to gain a more complete understanding as to which interventions would help them most in their recovery process. An alternative paradigm for justice that could accommodate the needs of victims could reduce the long term costs of child sexual abuse. To determine these needs I have consulted with victims of child sexual abuse. Before presenting an analysis of my findings I will first discuss the methodology I have used in this research project.

Part Two:
Breaking the Silence

Chapter 5

Methodology, Ethics and Method

Introduction

Research has been comprised of a logical system of reasoning combined with empirical observation and the way in which it has been conducted has been referred to as the method. Researchers have selected those methods that have best promoted the relationship between their research and the construction of theory. The theoretical and philosophical perspectives that have underpinned the chosen methods and have guided the research processes have been referred to as the methodology: the science of method. This research project has studied a group of disadvantaged people, mostly female, who have been disadvantaged through sexual objectification by more powerful persons who were predominantly male. It was the hope of all those involved in this research project that the information contained in this thesis would not only contribute to the pool of knowledge but also would provide a catalyst for social change. This encapsulated the essence of feminist research, the methodology of which provided the framework for all research methods used in this research project.

In this chapter I have briefly outlined methodological theory underlying feminist research. By doing so, I have not intended to justify my use of a feminist perspective but have clarified my position and the implications this might have. Neither have I intended to provide a literature review of feminist methodology and method. This chapter was intended to demonstrate the congruence between feminist principles and the methods used in the research project. To do so, I have examined the ethical and political issues as they have related to this project. I have continued by describing the research methods that I have used, and finally I have explored issues related to the presentation and utilisation of results. However, first I will give a brief overview of the research project.

An Overview of this Research Project

This research project has used multiple research methods within a feminist perspective to explore the relationship between justice and the recovery process of adult survivors of child sexual abuse. Having gained approval from the Massey University Human Ethics Committee²⁹, I joined two self-help groups for adult victims of child sexual abuse as a participant observer. The purpose of this was two fold. Firstly, it provided access to a group of victims of child sexual abuse, with whom I could establish my credibility as a researcher and a victim of child sexual abuse. Secondly, it enabled me to strengthen my understanding of child sexual abuse and the pursuit of justice, which better prepared me for the interviews.

In the next phase of the research I conducted 21 in-depth, unstructured interviews, with adult survivors of child sexual abuse (18 females and 3 males), utilising the technique of story telling within the paradigm of life history method. I have included myself as an interview subject in this phase of the research, but I am not counted in the total of 21 survivors interviewed. Further interviews were conducted with key informants in the community, which included 2 jurors who had sat on trial juries hearing child sexual abuse charges, 2 counsellors and 1 judge. I corresponded by email with a number of victims of child sexual abuse throughout New Zealand, Australia and the United States. I attended counselling with a survivor of child sexual abuse as an observer. This enabled me to observe the counselling process and to deepen my understanding of the recovery process.

To familiarise myself with restorative justice from the practitioner's perspective, I joined the Te Oritenga Restorative Justice Group, as a participant observer, and commenced training as a restorative justice conference facilitator. Finally, I convened two focus groups, which were attended by six victims of child sexual abuse, three of whom I had interviewed. The purpose of these groups was to write a submission on name suppression from the perspective of child sexual abuse victims. The submission was subsequently forwarded to the Privacy Commissioner and the Chief District Court Judge of the New Zealand District Court. Throughout all phases of the research project I have conducted secondary research to ensure I had an in-

depth understanding of the issues related to the sexual abuse of children, the recovery process, the pursuit of justice and restorative justice as an alternative paradigm for justice.

Shulamit Reinharz (1992:235) noted “[s]ome feminist researchers start with their own experience, analyze it, and do not collect other data. Others start with their experience, are troubled by it, and then collect other data to compare with their experience”. I started with my experience as a victim of child sexual abuse who had attempted to pursue justice in the traditional criminal justice system. I analysed my previous commitment to the conspiracy of silence, and reflected on processes that could provide a sense of justice. From this position I collected information from others, similarly victimised, and compared my experience with theirs to discover that our feelings, thoughts and aspirations were not at all dissimilar.

Feminist Research

Feminist research has been informed by feminist theory, which has described the oppression of women, explained the causes and consequences of this oppression and prescribed strategies to enhance the position of women (Tong, 1989:1). Rosemarie Tong argued that feminism has included a variety of theoretical perspectives that have been identified as liberal, radical, Marxist, socialist, psychoanalytic, existentialist and postmodern. Each of these theoretical perspectives has produced feminist research methodology. However, despite the differences between these different perspectives, common themes and assumptions have been identified in all feminist research (Smith and Noble-Spruell, 1986:138-139). As its goal, feminist research has been for women to improve their daily lives, has been based on feminist theory, has been premised on the oppression of women and has been committed to changing this. It has emphasised a non-exploitative relationship between researcher and researched based on collaboration, cooperation and mutual respect and has recognised the open presence of the researcher as intrinsic to the process. Finally, feminist research has questioned the ownership of the research outcome.

²⁹ Human Ethics Application HEC95/93 29 June 1995.

Feminist research methods have tended to rely on qualitative research methods which have included unstructured interviews, open ended questions, use of diaries, letters biographies, life histories and case histories to name a few (Dey, 1993:2). These methods alone have not produced feminist research. In their efforts to do so, feminist researchers have been confronted with a contradiction between prevalent assumptions underpinning research and the political aims of the women's movement at two levels³⁰. Firstly, there has been a contradiction at a theoretical level. Methodology has traditionally been considered neutral; however, the aims of feminists have not been neutral. Secondly, a contradiction has existed for feminist researchers as women, on the one hand, and as academics, on the other. As women, they have experienced sexual oppression in a patriarchal society: as academics, they have belonged to an academic elite. Traditionally, they have been expected to suppress themselves maintaining a neutral position.

The confrontation of this contradiction has enabled the development of a feminist framework for research. Maria Mies (1983), in her study on domestic violence, rejected the notion that such a contradiction was a negative limitation and used her experiences as a woman in her research on domestic violence. Ann Oakley, in her research on women's first experience with motherhood (Oakley, 1981), used her experience as a woman and a mother, explicitly rejecting the hierarchical model of research. She argued that the best technique of interviewing was achieved when the relationship between interviewer and subject was a reciprocal human relationship. Alison Jones in her study of high school students discussed the contradictory relationship between maintaining a distance from the subjects and her level of involvement with them (Jones, 1991:28). Her intervention enabled a student to enjoy some positive feelings in her schoolwork, but in so doing, Jones abandoned her stance as a distant, objective observer (Jones, 1997:20).

Although it might not have been their explicit intent at the outset, Mies, Oakley and Jones have confronted the contradiction between prevalent assumptions underlying traditional research methods and those underlying feminist research methods. They have made their value assumptions explicit and have attempted to uncover and alter

³⁰ Personal communication with Alison Jones in a lecture July 1990.

the oppressive relations that have structured and limited women's lives. They have critically examined their role within the research and have been aware their observations could be interpreted in more than one way. Not only have they understood the power relationship between researcher and researched, but also they have used their experiences as women, thereby enabling the process of research to become a process of consciousness-raising for both researcher and researched. Earl Babbie (1989:44) maintained that social research was an interactive process of induction and deduction. Norman Denzin (1989:236) reinforced this position by arguing that unless this was recognised in research design, the link between observation and theory would remain incomplete. The research examples of Mies, Oakley and Jones have reflected the interactive process of induction and deduction, maintaining the link between observation and theory, and transforming traditional research techniques. As women involved, they have produced scholarly research that has remained committed to feminist ideology.

Jones (1990:pers comm) has identified four principles that have affected this transformation of traditional research methods. Firstly, neutrality has been rejected in favour of a conscious partiality. Jones (1991:8-29) explicitly documented her role in how the research was carried out and was critical of her assumptions and power role in the research. Secondly, the hierarchical relationship has been replaced by a non-hierarchical, democratic relationship that enabled problem solving and data generation. The researcher had to be conscious of the power relationship between researcher, researched and the wider political site; that is, the powerful speaking for the powerless (Jones 1991:29; Jones, 1997:22). Thirdly, there has been a shift in emphasis on the concept of validity (Jones 1991:10). Traditionally, validity of research has been the extent to which the methodological rules regarding sampling, observations, data collection and the relationship between variables, which have ensured neutrality, have been followed. The concept of validity has shifted to emphasise the validity of research in terms of its usefulness in the political struggle for emancipation. Finally, the motivation of the researcher has shifted from that of personal interests to that of political interests. That is, feminist researchers have not been motivated by what was most important for their personal interests, but have used their relative power to take up issues central to feminist interests. Jones's doctoral thesis, couched in academic style, was a result of her personal and academic

motivations, while her rewrite "*At School I've Got a Chance*" (1991) was motivated by her desire to make her findings more accessible to students and teachers in education (Jones, 1997:20).

In her review of feminist research, Reinharz (1992:241) concluded that feminism did not provide an explicit method for research. She argued that feminist researchers have viewed feminism as a "...perspective on an existing method ... or a perspective that can be used to develop an innovative method". Therefore, feminist ideology has provided a framework within which feminist research has been achieved. By using established methods, research, which has been previously questioned by the broader research community, has been transformed into research that has represented the diversity of human experience and has acted as a catalyst for social change. A feminist perspective has not been limited to one academic discipline, and has included an ongoing critique of non-feminist scholarship. It has situated the researcher in the research as a human being and has recognised the relationships that subsequently have developed within the research experience. Therefore feminist research has not been defined by the methods the research has utilised, but by the perspective that has guided the way the research has been undertaken, and the way in which the results have been subsequently analysed and presented.

Ethical and Political Issues

At the most fundamental level, research has been a political act: the interests of one group of people have been typically furthered at the expense of another group (Bryson 1979:88). Unless researchers have been aware of the power dimensions between these groups of people, they could have supported dominant views and interests at the expense of those who were less powerful (Bryson, 1979:88). Although few people today would openly argue that science was value free, Lois Bryson (1979:89) argued that most research has tended to support prevailing societal structures rather than promote restructuring. By representing the perspective of victims of child sexual abuse, I have attempted to further their interests. If victims were to have equal representation or voice within the criminal justice system, the rights of the offender would no longer be paramount. However, I have argued that

the criminal justice system should not only ensure equality of access, but that it should endeavour to provide substantive equality, or equality of outcome, for victims of child sexual abuse. This could be achieved through a restructuring of the current structure for criminal justice. Such restructuring would not be without costs, which would have political implications at all levels of the political and social system.

“...[A]ll research supports a particular point of view or set of values” (Bryson, 1979:90). Researchers and writers have occupied social positions of relative privilege and power and the perpetuation of current systems has supported their position (Bryson, 1979:89). The same could be said of students: those who aspire to these positions. However, it could also be argued that the dismantling or restructuring of various systems could advantage those who were advocating such. By proposing an alternative structure to the traditional criminal justice system that would better meet the needs of victims of child sexual abuse, it could be argued that I might stand to gain should this eventuate.

It is necessary that I clearly position myself to ensure that the interests of victims are paramount within this research project. I will do this by analysing two parts of the research process: choice of topic and my political position as a researcher. I will conclude with a discussion on confidentiality and anonymity.

Choice Of Topic

Choice of topic has been the most fundamental act (Bryson 1979:90). Most research has been undertaken for commercial advantage, or has been undertaken for the advantage of the researcher, such as a higher degree or for career purposes (Bryson, 1979:90). Therefore, topics that have been chosen were typically manageable, possibly even trivial, and have tended to avoid contentious issues or long-term, difficult analyses (Bryson 1979:91), and as such they have been described as conservative. This research project was undertaken for a Doctoral Degree in Social Policy. The topic was chosen because I am a victim of child sexual abuse. I have assumed that if the topic were relevant to me it would likely be relevant to other victims of child sexual abuse. However, the topic was not trivial, to myself and other participants at least, and could be contentious in that we, the participants and myself,

might challenge current understandings of the needs of victims recovering from child sexual abuse.

Usually researchers have determined the problem then developed the research methods accordingly (Bryson 1979:96). Bryson warned that powerless groups could be exploited and advised that research be driven by what the target group finds problematic. At the outset of the research project I had a general topic I wanted to study. Although my research question was not explicitly formulated, I had anticipated that, by asking survivors of child sexual abuse their feelings on justice, we could focus on alternative paradigms for justice, such as restorative justice. As such I believed I had a manageable project that could be completed within an academic timetable. My initial enquiries revealed that most survivors of child sexual abuse had no previous knowledge of restorative justice. Therefore, instead of telling me how the criminal justice system could be improved so that they would be more inclined to criminally report the offender, they told me more about why they could not criminally report the offender. Each survivor asked me what motivated offenders to sexually abuse children. As they told their stories, survivors sought affirmation that their victimisation was indeed categorised as child sexual abuse. They queried the costs to victims and society, and noted that the impact of child sexual abuse on their lives was substantial. They commented that the lack of understanding, evident in the response of society to their victimisation, continued to contribute to their feelings of isolation and did not validate their experience. Most survivors of child sexual abuse believed that society, in general, has not appreciated the extent of child sexual abuse. The questions and concerns that survivors of child sexual abuse shared have driven my study of the topic. For instance, I had not anticipated at the outset that I would attempt a financial costing analysis of child sexual abuse in New Zealand. Neither had I anticipated that we, as a group of survivors of child sexual abuse, would collaborate on a submission regarding name suppression for presentation to the Privacy Commissioner of New Zealand and the Chief Judge of the District Court system of New Zealand³¹.

³¹ See Appendix i.

This research project has been undertaken with the cooperation and involvement of the target group and I have felt an awesome responsibility to focus on that which survivors of child sexual abuse found problematic, albeit within the parameters of the topic chosen by me. As I have determined in the preceding chapters, the sexual abuse of children has been best understood within a feminist framework. The sensitive nature of the topic dictated that I, as a researcher, had to ensure that no further harm was done to participants by my contact with them. Therefore, throughout all phases of this research project I have been guided by feminist principles, using my experience as a woman and as a victim of child sexual abuse.

Political Position of Researcher

Janet Finch (1986:209) argued that a qualitative researcher could not be an objective researcher. The methods used in qualitative research have enabled the researcher to get very close to those who were being studied. Therefore, the results of a qualitative research study were likely to challenge traditional explanations (Finch 1986:210). This research project has been both policy-orientated and capable of being used in a political context. Furthermore, I have been both a researcher and a member of the group under study. I have not been neutral. I have supported victims of child sexual abuse and acknowledge that this could contradict the rights and needs of offenders.

Finch (1986:211-217) described four possible positions for researchers to adopt. Firstly, as the provider of enlightenment, a researcher was not actively involved in problem solving, or action, but offered only insights (Finch 1986:211). The second position for a researcher was that of an unattached or bureaucratic-like advisor (Finch 1986:213). A third stance was that of advocacy for the group under study (Finch 1986:214-216). As an advocate, the researcher presented an understanding from the perspective of those who were often the relatively powerless recipients of policy. The final position was the researcher who became directly engaged with policy, acting on his or her own behalf (Finch 1986:216). In relation to this research project my position could, perhaps, be best described as an advocate. Although it might be presumptuous to claim advocacy on behalf of all victims of child sexual abuse, I have attempted to advocate on behalf of those survivors who were involved in the research project. If I were not a member, there would be an ever-present

danger of presenting demands on the basis of my interpretation of the group's needs as they have emerged through the research process (Finch 1986:216). Because I am a member of this group such paternalistic outcomes have been avoided. As a horizontal research study this has been a journey of mutual discovery. The survivors who participated in this journey have placed enormous trust in me and I have been very conscious that this could so easily be exploited.

Confidentiality and Anonymity

Within the group situations many survivors were aware of each other's stories. Because these groups were relatively small, individuals within the group were more readily identifiable to each other (Finch 1986:203). If survivors chose to share their stories with each other, this did not negate my responsibility to maintain confidentiality and anonymity. I discussed these issues with each participant, pointing out that I could identify them to each other within my writing. Some survivors were unconcerned. For those who were concerned, we agreed that they would tell me what information I could use and how I could use it. To ensure that I had interpreted their instructions accurately, they approved any writing that included their information before any draft chapters were distributed to others for reading. If at any time I was in doubt, I have opted to err on the side of conservatism: I removed information rather than risk breaching confidentiality or anonymity and the trust placed in me.

Finch (1986:203-207) has described two levels of confidentiality: the individual level and the collective level. At the individual level (Finch 1986:204) raw data such as transcripts and field notes could incriminate both the offender and the survivor. I assured all respondents that I would not collect any unnecessary data, which could be subsequently used in an adverse manner. As this was personal research, in that it was not commissioned by any agency, I was able to reassure respondents that only I, or my chief supervisor, would have access to the raw data. I gave an undertaking to keep all tapes and transcripts in a secure place until I was either able to destroy them or return them. All data that I have stored on a computer has been protected by password and only I know that password. All backup copies have been stored in a separate location and have been similarly protected. Early in the research process I

had a hard disk failure on my computer. As this required technical assistance, I was concerned that confidentiality could be breached. I arranged with a technician that I would deliver my machine so that he could immediately rectify the fault while I watched.

I was aware the research process could have uncovered illegal activities. It was possible that a survivor of child sexual abuse could have revealed that they were abusing children. As this has been defined as a crime under the Crimes Act 1961, I would have had no alternative but to report this to the appropriate authority. I discussed this responsibility with the self-help groups that I joined as a participant and an observer. This declaration of my responsibility could have influenced the participation of other group members. As it was not my intention to cause members to drop out of the group, I discussed the implications of these issues with the group facilitator prior to joining both groups. This enabled the group facilitator to consult with the group, establishing their acceptance and approval of me as a group participant. This responsibility was re-stated at the beginning of each interview and at the beginning of each focus group.

At the collective level, encouraging the stigmatisation of a social group could have compromised confidentiality (Finch 1986:207). The findings could have reinforced popular prejudices concerning the inadequacies of powerless groups (Finch 1986:207). As has been mentioned earlier in this chapter, this research study has empowered survivors to challenge existing structures. An empowered, knowledgeable group would not be an inadequate group. Therefore this study has been more likely to undermine popular prejudices as opposed to reinforcing them.

Research Methods

Researchers have tended to study those in lower socio-economic groups or the same socio-economic group as themselves. Very few studies have studied up (Bryson, 1979:94). Bryson (1979:95) illustrated this argument by drawing attention to the lack of research into uncovering the basic causes of road accidents. She concluded that answers would likely indicate that prevention could not be achieved without radically altering transportation arrangements (Bryson, 1979). This argument was further

exemplified by considering the outcomes that would result if anthropologists were to study the colonisers as opposed to the colonised: the culture of power rather than the culture of the powerless (Nader, 1974:289, cited in Bryson, 1979:95).

A similar argument could be applied to this research project. If prevention of child sexual abuse were the aim of the research, victims would not be the subjects. Previous discussion has highlighted that the solutions would not be found by studying victims of child sexual abuse³². The historical analysis of child sexual abuse³³ highlighted the role of patriarchy and gender scripting in the sexual abuse of children. This analysis indicated that the solution for preventing the sexual abuse of children has lain not with altering the behaviour of children, but with altering the behaviour of offenders, most of whom have appeared to be male. The aim of this research has been to determine the needs of victims as they recovered from child sexual abuse. The proposals that I have made in this thesis could only be the “ambulance at the bottom of the cliff”. They have been reactive as opposed to proactive.

Those who have sexually abused children have been represented in all class structures³⁴. It followed that victims would similarly be represented throughout the socio-economic spectrum. While a victim’s socio-economic status might not be a precursor for the initial abuse, the effects the abuse has had on a victim’s life might well have contributed to downward social mobility³⁵. However, I have proposed that class, for the purposes of this research project, be defined as a group of survivors, irrespective of socio-economic status, gender or ethnicity. We were a group of people, objectified through the sexual abuse we experienced as children. I have made no claims that this research project has studied up. As I was a member of the target group I could ensure that this research project was a horizontal study, thereby negating many ethical issues in those research projects that have studied down.

³² This was similarly determined in Chapter 2: An Historical and Theoretical Perspective.

³³ Refer to Chapter 2: An Historical and Theoretical Perspective.

³⁴ Refer to Chapter 2: An Historical and Theoretical Perspective.

³⁵ Refer to Chapter 4: Economic Consequences of Child Sexual Abuse.

Bryson (1979:95) commented that the majority of research involved the application of established research methods, the results of which implied that the problem was soluble within current institutional frameworks. While I have used established methods such as participant observation, life history and focus groups, I have not suggested that the solution lies within current frameworks. Bryson (1979:97) noted that the various techniques used by researchers impacted on their ability to obtain information from the target group. She illustrated this point by referencing the work of Gale and Binnion (1975) who took considerable care to become accepted by the target group before attempting to obtain information (Bryson, 1979:97).

The research methods that I have used in this project have enabled me to get close to participants, and to hear very private and personal information. It would have been unethical of me to engage in such research without disclosing that I had been sexually abused as a child to other survivors who were participating in the self-help groups (Finch, 1986:202). It was only through such disclosure that I could declare my intentions and reasons for choosing this topic, thereby gaining the group's confidence. Although I have used established methods I have attempted to use these methods within a feminist framework whose defining characteristic has been that research has been by women, for women and about women.

Participant Observation

Denzin (1970:220) argued that participant observation was one life history many times expanded. All social research in a sense has been a form of participant observation: you could study the world only if you were a part of it (Atkinson and Hammersley, 1994:249). The central assumption of this method has been that the researcher collected data over a period whilst playing an active and significant role within the group (Dey, 1993:37; Shaughnessy and Zechmeister, 1990:41). Anthropologists have frequently used this method, living and working with groups of people to better understand their culture and behaviour.

In the positivist research model much emphasis has been placed on objective observations. I was more concerned that my presence could silence participants and no doubt this did impact on the behaviour of other participants. Given the small size

of the groups, it was likely that my presence had a greater impact than if the groups had been larger. As I shared my experiences and established my credibility, group participants seemed to forget my dual role. Any impact I might have had on the group appeared to be minimal. The aim of this part of the research project was to gain access to a group of child sexual abuse survivors in which I could establish my credibility as a researcher and a survivor. I anticipated that the information gained from this experience would add to my general understanding of the impacts of child sexual abuse and the issues that were problematic to survivors of child sexual abuse.

Although I did not become involved in the self-help groups until June 1995, I began establishing my relationship with a women's centre in December of 1994. Intending participants of these groups were advised regarding my potential involvement in the group, to advise them I was both a survivor and a researcher of child sexual abuse, and to gain their consent for me to join. This enabled potential participants to discuss the research with an unbiased person so they could make an informed decision as to whether they wanted to be involved. Each group commenced with the establishment of group boundaries. Even though I was a member of the group, I did not contribute to the process of establishing group boundaries. It did not feel appropriate given that I had entered the groups with a different status to other participants.

In the first session of the first group I explained the research and my reasons for undertaking this project. Despite being in the company of other survivors, this left me feeling very vulnerable and exposed. I did not feel that I had portrayed the research project accurately and for several days following this first session, I felt very depressed and negative regarding my ability to research on this topic. However, the second session alleviated these feelings and I began to gain more confidence in my abilities and eventual acceptance by the group. At the beginning of this session, as was the case for each subsequent session, participants were encouraged to check in with the group. This process enabled participants to raise issues they wanted discussed within the group. When it came to my turn I told the group that I believed the research had assumed central importance as the reason for the group and that was not my intention. I again told the group that I wanted to learn what they considered was important as they attempted to address child sexual abuse, which might or might not include justice. I was not seeking their opinion of what I considered was

important. I also pointed out that my attendance at the self-help group was to ascertain if my understanding of victimisation was similar to theirs and that I was not attempting to gather information for the research project from the group sessions. I gained the impression from their responses that they supported the project. By the third session I felt accepted by the group.

In the fourth week, two participants approached me outside of the group time to make an appointment for an interview. By the fifth session I had conducted one interview. During the check in time at the beginning of this session I waited to see if the survivor would comment that she had been interviewed. She did not mention it and neither did I. By the end of the ten sessions, I had either interviewed, or had appointments to interview, six participants. Participants never mentioned they had been interviewed and I respected their silence. They were aware that I was interviewing other survivors outside of the group who had heard about the research by word of mouth. The group participants regularly asked how the research was progressing and I was able to respond, without compromising confidentiality, by speaking of the research in terms of general themes.

The second group, beginning in March of 1996, ran for a period of eight weeks. Although a different counsellor facilitated it, the format was very similar to the previous group. Unfortunately, from the first session, the viability of this group was threatened. The women's centre paid the group facilitator and charged each participant \$10 for the course duration. Course funding from the Department for Education was dependent on a minimum number of six participants per course. In the first session there were four participants including myself. Although the numbers had increased to seven by the third session, attendance by members was irregular. This group was never able to develop the cohesion the first group had achieved.

As a participant in both groups, I consciously endeavoured to ensure I was not an impartial observer, sharing any resources that were relevant. This contributed to my credibility and enabled a relationship based on trust to develop. I was very aware that through the process of making these relationships that the facilitator could feel disempowered. I was careful to avoid this by ensuring my contribution was at the level of group discussion and not as a group facilitator. I carefully avoided the role of

discussion leader or facilitator. Prior to my interview of a District Court Judge, the group formulated a list of questions that I could put to him on our behalf. When I relayed the information back to the group, their responses suggested that they felt validated by the judge's answers.

As I had hoped, this phase of the research process not only provided me with access to survivors of child sexual abuse with whom I could conduct interviews, but also enabled me to deepen and strengthen my understanding of those issues that survivors identified as important to them. I began to understand the broad range of victimisation that was represented by the term child sexual abuse and the far-reaching impacts this victimisation had on the lives of victims of child sexual abuse. I began to understand child sexual abuse from the perspective of other survivors. This was to be further reinforced by the stories so many survivors of child sexual abuse have related to me. Importantly, I realised that this group of survivors were not as interested in issues relating to justice as I was. This understanding better prepared me for the individual interviews.

In September 1996, I began attending meetings of the Te Oritenga Restorative Justice Group as a participant and an observer. This group met fortnightly and their agenda centred on practice issues and a review of current cases. Time was allowed at each meeting for ongoing training of new members and I commenced training as a restorative justice facilitator. Various commitments forced me to suspend my membership. In 1998 I returned as an active as a member of Te Oritenga until it was disbanded in mid 1999. My aim in attending these meetings was to learn more about the issues confronting practitioners of restorative justice from their perspective and to gain a more in-depth understanding of restorative justice conferencing. This understanding has proved invaluable as I investigated whether restorative justice could provide victims of child sexual abuse with a sense of justice, an issue that was explored by adult survivors through the interview process.

Life History Method

The central assumption of the life history method has been that human conduct was studied and understood from the perspective of the persons involved (Denzin,

1970:220). Denzin described three types of life history. The first was a complete life history, the second was a topical life history or one phase of a person's life and the final was an edited life history on one aspect of that person's life. Hilary Graham (1984:109) identified two alternative approaches the life history method. The first was a complete life history, which was long, complex and many sided. The second approach was the collection of multiple biographies where dominant themes were abstracted and despite idiosyncrasies between biographies, common elements could be identified. The research that I conducted was one phase of a survivor's life, the healing process, or Denzin's second example of a life history. It was also reflective of Graham's second alternative life history method of multiple biographies.

Story telling has offered an advantage over traditional interviewing. It more effectively safeguarded the rights of respondents to participate as both subjects and objects in the construction of social knowledge, and provided a way of confronting crucial issues of misrepresentation and exploitation (Graham 1984:119). The risk of exploitation has been counteracted in the self-structured format that story telling provided. The information sheet³⁶ provided to potential interviewees stated my interest in exploring issues related to justice, and as all had access to this information sheet, which had prompted them to contact me, I assumed they had a story to tell in relation to justice. As mentioned previously, this story tended to focus on why they could not criminally report. Although in most instances I provided a broad framework, survivors determined the direction of the interview through their storytelling. I asked questions merely to clarify points that I had missed, but I did not ask questions to prompt a new direction other than inviting them to reflect on issues relating to justice. I collected the data in an overt manner, as it was spoken, and the respondent narrating the story was fully aware that he or she was providing information (Graham 1984:107). More importantly the respondent was able to set the parameters with regard to how much intrusion he or she was willing to tolerate (Graham 1984:107). The respondent was therefore able to limit the potential for manipulation and exploitation.

Retrospective questioning about behaviour or experiences could easily be structured

³⁶ See Appendix iv.

along the researcher's interests, enabling much valuable information to be missed. However the recall process has been facilitated by the respondent determining the shape and content of the story (Graham 1984:110). Graham (1984:112) warned of the possible tensions between researcher and researched at the time of data collection. There has been the ever-present risk of manipulation and misrepresentation when investigating very personal business in a patriarchal society. Women's suffering has been turned into commodities such as books and articles that have been sold in the market place. The same could be said of the sexual abuse industry.

Survivors learned about the research through my involvement in the self-help groups as described above, the research information sheets, a newspaper article that mentioned the research, the submission for name suppression and word of mouth. Information sheets were distributed at a conference³⁷ and given to the Auckland Sexual Abuse Help Foundation for distribution to appropriate victims. Ten interviews were conducted through 1995, a further six in 1996, another four in 1997 and the last interview was conducted in July 2000. All interviews with survivors of child sexual abuse were conducted at a place determined by the survivor of child sexual abuse. Four interviews were conducted in public places that were mutually convenient and suitable to our needs. All other interviews were conducted at the home of the survivor. At the time of the interview, the ages of survivors, 18 women and 3 men, ranged from 26 to 52. Of these survivors, 4 women and 3 men had criminally reported prior to the interview.

When survivors contacted me for an interview I asked if they were attending counselling. If they were, I suggested that the interview should be timed just a day or so prior to a counselling session. I also suggested at this time that it could be useful if they had someone they could debrief with immediately after the interview. Before starting the interview I went through the information pack, which included the information sheet, the consent form³⁸ and Massey University Ethics Committee approval. I talked about the research project and answered any questions. I explained

³⁷ Rape: Ten Years' Progress? Wellington, 29 March 1996.

³⁸ See Appendix iv.

that they were in charge of the interview, that I wanted to hear their story but that I might ask questions to clarify points they raised. I always reminded people that if I asked something they felt uncomfortable about answering, they were under no obligation to answer. All survivors agreed to be taped and to have tapes transcribed by a typist, who had signed a confidentiality agreement. In 1999, the typist and I recorded a conversation in which I told my story. This was subsequently transcribed as an interview. I gave myself the same pseudonym that a newspaper had previously given me in an article that had been published to outline the impacts of child sexual abuse. All other pseudonyms were applied in a random manner.

I had not initially intended to ask specifically about the abuse experience. The research did not have a clinical focus and, given the issues related to confidentiality, I was reluctant to gather any information that was not strictly necessary (Finch, 1986:204). In the self-help groups I had noticed that survivors did want to tell their story, and I anticipated that this might be similar within the interviews. I left the decision to survivors as to whether they told me about the abuse experience or not. Most told their story in detail.

The first survivor I interviewed told me she was unsure of what I wanted to know, and was concerned that she had nothing of any significance to share. I had in my mind an overall framework of the various issues I had hoped would emerge through the interviews. I provided her with this framework and this seemed to help her organise her story. I refined the framework and in subsequent interviews I mentioned it, as I have listed it below, and left it up to survivors as to whether they followed it or not.

- Your experience of child sexual abuse
- How this has impacted on your life
- What have you done to recover from child sexual abuse
- What has been the most helpful
- If you had the power to change the criminal justice system what would you change

In this first interview, apart from providing the broad framework, I contributed very little to the interview. A few days later I received a letter from her. After I had left her home, apparently because of my comments as I was leaving, she thought of important things to say that she had not thought of through the interview. These she included in her letter. In the interviews that followed, towards the end of the interview, I prompted discussion by asking survivors to outline the changes they would make if they had the power to make them. The provision of a brief outline of restorative justice similarly acted as a prompt. They asked questions regarding various aspects of restorative justice, providing their opinion as I responded to their questions. All survivors attempted to identify elements of justice that they felt should be included in a model for justice. As we talked, I shared some of my personal experience in pursuing justice and this seemed to not only give survivors the confidence to explore justice issues but it also seemed to give them permission. The broad framework that I made available at each interview provided some continuity between interviews and encouraged survivors to deliberate on these issues at length (Graham, 1984:110). By specifically soliciting their opinions I was ensuring that survivors were not merely reflecting my opinion (Denzin 1970:220). Each interview took between two and three hours and finished as more of a conversation than an interview.

Graham (1984:108) commented, “speaking ‘from below’ demands courage”. I was opening doors on private lives and the topic was particularly personal and sensitive. For many survivors it was their first opportunity to tell their story to someone other than a counsellor. All stories were traumatic to listen to. It was simply not possible for me to remain detached and neutral and neither did I attempt to. At some point through the interview many survivors asked me if I had any knowledge on a specific topic. I shared what I knew and offered to share any resources I had that might be relevant. After the tape recorder was turned off, I took the time to just talk. These conversations were confidential and have not been recorded. Many survivors commented as I was leaving that “it was great to have someone to talk to”. In many instances after I left, I sat in my car around the corner from the home of a survivor, and allowed myself a short period of reflection on the particular person to honour his or her courage. This gave me time to emotionally adjust before returning to other, sometimes mundane, daily activities. I attempted to follow up each interview with a

phone call to thank the interviewee for sharing information with me and to reaffirm how important and valuable their contribution was. In some instances due to family or work commitments, or those of the survivor, I was unable to do this in a timely manner.

All interviews were transcribed verbatim, with short and long pauses indicated. A typist transcribed many of the interviews, but I transcribed those I considered particularly disturbing, or those where I had concerns that the anonymity of the survivor could be compromised. Before I provided a copy of the transcript to each interviewee, I read the transcript while listening to the taped interview to eliminate as many typographical errors as possible. I contacted survivors prior to delivering or posting their transcript to avoid them receiving it without any forewarning. Initially it was my intention that survivors would check for error and re-think the information he or she was prepared to share (Finch, 1986:204). Although some contacted me regarding issues in their transcript, one of the first survivors that I interviewed remained silent. I contacted her to determine any difficulties. She told me she could not bear to read it. Transcribed speech is very different from written language and most transcripts were at least 20 pages of dense type. From that point I discussed the approval of transcripts in more depth prior to the interview and ascertained from survivors individually, whether I was to await approval before accepting the transcript as an accurate account of the interview. Some wanted to give approval, others did not, and I respected their choice.

Denzin (1970:219, 237) argued that the life history method not only approximated the fit between theory and method but that it was also a triangulated research technique utilising information derived from letters, diaries, notes, interviews and personal compositions. Survivors provided much information through interviews and the provision of a variety of written material. Some of this material was written specifically to clarify their feelings following an interview, but some was written by them and to them for other purposes. The range of victimisation survivors of child sexual abuse have been subjected to was vast. Although each story was unique, common themes could be identified which have driven the direction of the research project. The voices that appear in the following chapters have been quoted from these interviews and this group of survivors are those that I have referred to

throughout this thesis as the adult survivors of child sexual abuse. Three of the survivors from this group also participated in the focus groups.

Focus Groups

Focus groups, as a method for qualitative research, have been broadly defined as a technique, whereby the researcher has provided the focus and the subsequent interaction of the group has provided the data (Morgan, 1997:6). Although focus groups were initially described in the 1920s, researchers ignored them in favour of participant observation and individual interviewing (Morgan, 1997:4). However, they have become increasingly more common as a tool for research in the social sciences over the last two decades (Morgan, 1997:30). Focus groups have been used in a variety of ways. Reinharz (1992:222) described them as typically small groups, of less than 12 participants, established by a researcher, for a one time discussion. The feminist group interview, although very similar to the focus group, was not derived from the same methodology. Focus groups have not typically included “experts” but have attempted to canvass the opinions of the general public. By contrast a feminist group interview has recognised participants as experts (Reinharz, 1992:223). I have made no claims that the technique I have used was either a focus group or a feminist group interview. However, elements of both could be identified in the process we used, as a group of survivors, to address an issue that was relevant to us.

As the researcher I had identified a recurrent theme raised throughout the interviews. Repeatedly, survivors commented that name suppression, the ability of the courts to order that the name of the victim or the offender not be published in the media, appeared to be misused. While the provision of name suppression was intended to protect the anonymity of the victim, survivors noted that name suppression appeared to protect the offender more than it did the victim. Some survivors wanted to protect their own anonymity: others did not. This theme presented an opportunity for political action on a topical issue from the perspective of a group that had not been typically consulted. I suggested to survivors that a special purpose focus group could be convened to discuss these issues in more depth with a view to writing a submission to the Privacy Commissioner.

In early 1998, I convened two focus groups inviting those survivors known to me, either through the self-help groups, the interviews, or other survivors who had expressed an interest in the submission. The second group was convened to maintain anonymity for two intending participants. One survivor had a professional relationship with one of the other women. Therefore, five survivors, all women, attended the first group but only two, both women, attended the second group. Prior to the first group I was concerned that the outcomes would merely reflect my ideas and feelings. To facilitate discussion I had prepared a list of quotes expressing an opinion on name suppression. These quotes had been taken from the interviews with the approval of the particular survivors. Some of these survivors attended the focus group and I left it up to the individual as to whether they identified their own quote to the group.

Following the example of the self-help groups, at the beginning of each focus group I asked if the group wanted to establish group boundaries. The process of setting the boundaries seemed to enable the women to become a little more comfortable. In both groups the women knew me, but some did not know each other. I outlined what I hoped we would accomplish in the meeting, which was to determine the framework of a submission for the Privacy Commissioner. I emphasised that this was to be the collective work of the group. I explained that it was my intention to merely facilitate the discussion and keep it on track. I began by handing out copies of the quotes drawn from the interviews, calling for discussion on each quote. Within the first few minutes, one of the women shifted so she could more easily see all the women as they spoke. Within ten minutes of discussion commencing, the group developed a definite energy of its own. The women were “bouncing” off each other and generating ideas. If I had thought this group was going to be “my group” I would have been disappointed. The participants were in charge and I was for a large part merely an observer. At the end of the two-hour meeting, we discussed the progress we had made and determined how to continue. The second group followed an identical format. Although there were a small number of participants this did not impact on the nature of the discussion, which was very similar to the first group.

I prepared the framework of the report, assisted by notes taken by participants. I distributed the first draft to those present at both meetings and those survivors who

were unable to attend either meeting. Drafts were annotated and returned to me for editing. As the submission began to take shape, the participants seemed to develop more ownership of the project. One participant assumed the responsibility of the editing process and I was able to step back. Many drafts were circulated before a final version was accepted. The submission, which was called “Breaking the Silence”, was posted to the Privacy Commissioner in July of 1998³⁹. Almost a year had passed since I had first approached survivors regarding this project. The most difficult part was arranging a mutually convenient time. Perhaps, this was reflective of the very many demands that have been made on women’s lives. Members of these focus groups have remained in contact with me. They have read and critiqued chapters of this thesis as I completed them, suggested content for a conference paper and acted as an audience as I prepared for the delivery of this paper.

Other Research Activities

I conducted a number of interviews with various people who had specific information to share. These included two counsellors, two jurors from child sexual abuse trials and a District Court Judge. The jurors had heard of the research by word of mouth and contacted me for an interview. These interviews have enriched my understanding of the issues raised by survivors of child sexual abuse. Technology has assisted my access to many researchers worldwide with expertise in either restorative justice or child sexual abuse. Through email I have been able to communicate with not only other researchers but also victims of child sexual abuse around the world.

Early in 1996, I posted information about this research project on several sites that provided support for victims of child sexual abuse. As people contacted me, I provided an electronic version of the information pack and invited them to reflect on issues that they considered important. I utilised the same format that I used with those I interviewed face-to-face, but in a written format as opposed to spoken. Throughout 1996 and 1997, I maintained one-on-one email discussions with 22 adult victims of child sexual abuse living in various parts of New Zealand, Australia and the United States. These victims, all of whom forwarded a signed consent form by

³⁹ A copy of the submission and a discussion on the outcomes are attached as Appendix i.

traditional postal services, spent much time telling me their stories. Many victims, unprompted, sent me documentation that confirmed they had been sexually victimised as children. Others provided information related to legal issues in the United States, or information regarding research they thought could be useful to me. The way the relationships developed between each victim and myself were not unlike the way the relationships developed within the face-to-face interviews. It simply took longer.

These written conversations heightened my awareness of the need to clarify the terminology that is used as the vehicle for discussion. Email has been a more spontaneous, informal form of communication than traditional letter writing, which has given the writer time for reflection prior to posting. Electronic communication has been far less forgiving. It can be sent immediately and once sent it cannot be retrieved. The recipient, without access to other components of communication, such as facial expression, body language, tone and inflection of voice, and pauses in speech, has no way of knowing if the writer has reflected on the written material, or if they would withdraw it given the opportunity. However the themes that emerged from these discussions were very similar to those that emerged in the face-to-face interview group. Over time I slowly lost contact with these victims. Email addresses changed as members of this group changed service providers, or discontinued their email service. I have been unable to provide this group with the opportunity to withdraw information, as I have been able to do with those survivors that I interviewed face-to-face. I have not used any voices from these stories. Nevertheless, the information provided by this group of victims has deeply enriched my understanding of child sexual abuse and issues related to the pursuit of justice.

Throughout 1996 I attended counselling with a survivor whom I had interviewed. Some months after I had interviewed her, Maria⁴⁰ asked me if I would attend counselling with her. Her reasons for my attendance were primarily for her safety. She said she was unable to trust most people and felt too vulnerable to attend alone.

⁴⁰ This particular participant was interviewed and her voice appears elsewhere in this thesis. To ensure her anonymity I have used a different pseudonym for her in this particular discussion. To do otherwise could alert other participants as to her identity.

She believed that I was the appropriate person as I had knowledge of her experience from the interview process. We discussed the difficulty of separating information, provided through her interview, with information I might learn by attending counselling, and I suggested that I withdraw her information from the research project. She declined and suggested that my attendance at counselling could be included as part of the research activities. We finally agreed that her information would remain in the research project and I would attend counselling but that I would not gather information for analysis. However, we both understood that observation of the counselling process would provide many insights into the recovery process that I might not otherwise have access to. Information that was analysed and any quotes used were drawn only from her transcribed interview.

I attended counselling with Maria on an average of once a fortnight. Depending on her needs, this sometimes increased to once a week. After some months, with Maria's consent, I excused myself towards the end of each session. Slowly, I extended my period of absence, until Maria was attending the session alone while I waited in the waiting room. As her journey of recovery progressed, she was eventually able to attend counselling alone and has continued to do so without any support from me or anyone else. While I have not engaged in any analysis of this process, the experience has contributed to my understanding of recovery and the process of counselling. More importantly, Maria has continued on her journey of recovery, to which I have been honoured to be a witness.

Presentation and Utilisation of Results

From a feminist point of view, research should serve the interests of oppressed groups, the needs of women should determine the research and contribute to a larger historical struggle (Jones 1990:pers comm). Gatekeepers, usually male, have controlled, or at best have influenced, all facets of the research process (Spender, 1981:187). They have been found not only within the hierarchies of tertiary and political institutions but also within established structures of society. To achieve the principles of feminist research, feminist writers firstly have had to bypass the gatekeepers. Secondly they have needed words to communicate their thoughts, ideas and analyses (McRobbie, 1982:50). Most research studies have been directed at an

audience comprised of professionals or academics. However academic writing has been all too often so dense that it has been rendered inaccessible to the very people it might wish to engage (Jones, 1997:29). The media that research studies have been presented in, such as professional journals, have not been readily accessible to the general public (Bryson 1979:99).

Jones (1997:30-31) called for feminist scholars to re-construct their writing by experimenting with style and deconstructing the authority of referenced texts, in an effort to avoid academic writing becoming merely another vehicle of oppression. Jones warned that this re-constructed writing was frequently antithetical to the demands universities made of academic writing. This was a contradiction for feminist scholars attempting to gain academic credentials. She advised feminist students to confront contradictions, to make explicit the process of text construction and to decentre themselves as narrators (Jones, 1997:31). Although this research was undertaken for my academic career, I have endeavoured to write in a format and language that was accessible. I have distributed drafts of chapters to survivors of child sexual abuse, inviting their comment and critique. Their contribution has been invaluable to the writing process.

Knowledge has been more accessible to the powerful groups in our society, a self-perpetuating process that was maintained through the broad acceptance of scientific knowledge by the research community and which served to support existing structures (Bryson 1979:100). Bryson warned against the danger of providing information, which could be giving powerful groups more control over less powerful groups. The majority of child sexual abuse offenders have been male, a large percentage of victims have been female, while the majority of people who have held positions of power in the criminal justice system have been male. Although our patriarchal society might be reluctant to alter existing structures, opting for maintaining the status quo, the knowledge gained out of the research project has empowered members of this group to challenge existing structures. The submission on name suppression was one such example, and Maria's decision to attend counselling was another.

As mentioned above, I did not anticipate at the outset that I would seek to explain the apparent inability of survivors of child sexual abuse to criminally report offenders. As I wrote the chapter that described Stockholm Syndrome and related this to the responses survivors had provided, I was conscious that I had not discussed this syndrome with survivors of child sexual abuse within the interviews. Each survivor was aware that I would analyse their information and attempt to identify, or describe, alternative structures that could better suit their needs as they pursued justice. They were not aware that I would provide insights into their reluctance to criminally report, by identifying aspects of a syndrome in their responses. I felt as though I was using their information in a manner that had not been discussed with them. This felt deceptive to me. I therefore distributed this chapter to as many of the group as I could and awaited their comments. I was encouraged by their response. I had provided an explanation for their actions. They expressed relief that they now had a greater understanding of why they had acted the way they did. In this instance knowledge has been powerful for these particular survivors.

As a victim of child sexual abuse, I was also a member of the target group. When I have allowed the voices of survivors to speak for themselves I have also allowed my voice to speak. For stylistic reasons, to overcome the overpowering presence of the first person pronoun and to help equalise the pertinence of the different voices, I have used a pseudonym for my own voice. When my voice has been included as a survivor I have used the pseudonym, Anna. It could be argued that by disclosing my pseudonym, I have defeated the very purpose of using one. However, if I had not disclosed the pseudonym, it could have seemed as though I was disguising myself or attempting to manipulate the data. I have merely attempted to avoid what could become a patronising or patriarchal use of the first person pronoun.

Breaking the silence or speaking out, although it has taken courage, has not been without difficulties. It could so easily be eroticised, or it could be used against women and children, as has been seen in the construction of some theoretical explanations that have focused on blaming the victim or the mother⁴¹ (Alcoff and

⁴¹ Refer to Chapter 2: An Historical and Theoretical Perspective for a complete discussion on these theories.

Gray, 1993:262). I have opted not to tell stories describing the child sexual abuse survivors were subjected to, but have cloaked these in the voices of other authorities through the review of the literature in the preceding chapters.

Some phases of the research process have been very emotional, not only for the survivors of child sexual abuse, but also for me. After I had completed the majority of the interviews I found it difficult to commence the writing phase. I was unable to stop researching. It seemed easier to continue researching than to confront the task I had set for myself. I was reminded of this during the writing of this chapter. As I reflected on the research methods I have used in this research project, I re-experienced the very raw emotions I witnessed whilst interviewing and working with the survivors of child sexual abuse. To be so immersed in trauma and pain through the process of listening, reading, writing and reflecting, it has been difficult, if not impossible at times, to separate myself from the topic. This has emphasised to me the inseparability of knowledge and emotion. The nature of reflection makes it difficult to hide behind academic authorities. To do so could have been less painful. However, it has been reassuring to read accounts of other writers who have related experiences similar to mine (Reinharz, 1992:34-36). As Becky Thompson commented a "...woman's ability to retell a traumatic story meant she had already survived the worst of the pain" (Reinharz, 1992:35). This comment would be no less true for researchers.

Conclusion

I have used a variety of traditional research methods within a feminist framework. The way in which I have used these methods has defined them as feminist. I have not aimed for neutrality and have acknowledged that there was a double subjectivity within this research (Renzetti and Lee, 1993:177). Firstly, there were the characteristics and biases that I have brought to the research, and secondly, there was the perception that participants had of the research and me, as both a researcher and a victim of child sexual abuse. I equalised the power imbalance through reciprocity and self-disclosure and continually aimed to empower participants. In reporting how I conducted the research I have been both consciously partial and reflexive. I have located myself in the research and at all times I have endeavoured not only to be

sensitive to the needs of survivors, but also to consider their needs as being of paramount importance. I have attempted to position survivors of child sexual abuse as subjects in the research process to avoid them becoming mere sources of data. Finally, throughout all phases of this research project I have attempted to ensure that the process of research was a process of consciousness-raising for both myself as the researcher, and the participants as the researched.

Chapter 6

The Stockholm Syndrome

Introduction

Much has been written as to why children have been unable to disclose sexual abuse. Their powerless position in the family has inhibited their ability to disclose. They have not had the necessary language or communication skills to describe the sexual abuse they have experienced. They could not recognise that they were being sexually abused. If age and immaturity were the only reasons for non-disclosure then as sexually abused children matured, and were able to define their experience as abusive, they would disclose the sexual abuse and go on to consider legal action. They do not. Victims have waited many years before they have disclosed. Some never have disclosed. Most victims of child sexual abuse have never initiated legal action against the offender.

An important factor regarding disclosure, highlighted by the Otago Women's Health Survey⁴², was that a large number of victims have not wanted to disclose the sexual abuse they were subjected to as children. Of 164 respondents only 25 had actually wanted to disclose (Anderson et al., 1993:915). This reluctance to disclose or report abuse has not surprised professionals working within this area. The same phenomenon has been observed with victims of domestic violence who have been reluctant to disclose abuse within an intimate relationship. A similar intimate relationship has enabled the sexual abuse of children. Most children have been sexually abused by a close family member or someone who was close to the family. An offender has been able to sexually abuse children because he or she has had a developed relationship with other family members and, more importantly, the child. Children, powerless to stop the sexual abuse, have utilised a variety of strategies to enable survival.

⁴² Refer to Chapter 3: Quantifying Child Sexual Abuse for a complete description of The Otago Women's Health Survey.

The same survival techniques have been observed in hostages who were held captive. There has been an established body of literature documenting the contradictory relationship that has developed between hostages and hostage-takers (Goddard and Tucci, 1991:6), which has recognised that the bi-directional bonding of hostages and hostage-takers has been necessary for the survival of the hostages. This phenomenon has been referred to as Stockholm Syndrome, although it has sometimes been called the Hostage Identification Syndrome or the Survival Identification Syndrome (Goddard and Tucci, 1991:6). Dee Graham, Edna Rawlings and Roberta Rigsby (1994) identified similarities in the relationships and subsequent reactions between hostage-takers and hostages, and abusers and victims of abusive interpersonal relationships. The contradictory relationships, central to the Stockholm Syndrome, have offered valuable insights regarding not only the reluctance to disclose child sexual abuse, but also the reluctance to criminally report.

Classic Stockholm Syndrome

The term “Stockholm Syndrome” was initially used in 1973 to describe the puzzling reactions of four bank employees, three women and one man, who had been held hostage by two ex-convicts during a bank raid in Stockholm, Sweden (Graham et al., 1994:1). During their six days of captivity, the hostages developed an emotional bond with the hostage-takers to the extent that they not only identified with the hostage-takers, but also came to view the police as the enemy and subsequently attempted to protect the hostage-takers from the police (Goddard and Tucci, 1991:6; Graham et al., 1994:10-11).

In the Stockholm bank siege the hostages and hostage-takers rapidly developed a relationship, which was contradictory in nature and confusing to the outside world (Graham et al., 1994:2-11). This relationship was bi-directional and formed the basis of a survival strategy for the hostages. By the second day of the siege it was evident that an amicable relationship had developed between the hostages and the hostage-takers. A sense of community had been established and hostages carried out domestic chores creating an illusion of normality. One female hostage had allowed one of the hostage-taker to lie beside her on the second night and caress her. She had hoped that if she could establish an intimate footing with him she would be able to persuade him

to give up. The hostages had believed that if the hostage-takers liked them they would not be killed. By the third day it was evident that the female hostages viewed the police as the enemy. They had believed that the police were looking for justification of a massacre and were willing to sacrifice the hostages. Whoever threatened their “world” had become their enemy. The hostages had believed there were two sources of threat to their lives; the hostage-takers and the actions of the police. Helpless against the threat of armed hostage-takers, they, therefore, felt they had to protect themselves against the police, which meant trusting the hostage-takers. After the successful rescue, hostages described a variety of kind acts performed by the hostage-takers and expressed how grateful they had felt for these. These small kindnesses had taken on a greater importance than the impact of the siege and persisted not only through the siege but continued after it had ended.

The hostages’ concern for the hostage-takers did not end with the siege. They did not stop viewing the police as the enemy but continued to see the hostage-takers as their protectors. This aspect was exemplified by an accusation made by a hostage, who claimed that a psychiatrist was attempting to brainwash her by turning her against the hostage-takers. The only male hostage reported how he had to force himself, after the event, to remember that the hostage-taker was not kind: “...[he] dared to take over our lives, ...[and he] could have killed us. I have to force myself to remember that” (Graham et al., 1994:5). Although all four hostages testified against the hostage-takers six months later, the relationship that had developed during the ordeal was to persist. The hostages appeared unable to hate the hostage-takers. They demonstrated concern regarding the hostage-takers’ prison conditions and at least one female hostage visited a hostage-taker in prison. It was reported in the U.S. News and World Report (1985) that two of the hostages had become engaged to be married to the hostage-takers (Graham et al., 1994:11). The relationship that had developed during the six days of siege was sufficiently strong that it did not break down once the siege had ended.

The contradictory nature of the bi-directional relationship has emphasised the differences between the feelings of hostages who have developed Stockholm Syndrome and the perspective of outsiders (Graham et al., 1994:12). Graham et al. identified that the four hostages in the Stockholm bank exhibited a number of the

paradoxes outlined in *Table 6.i* (page 173). They queried whether the hostage's responses were idiosyncratic or if this syndrome could be generalised to other hostage situations, and if predictors could be identified to indicate who would or would not develop Stockholm Syndrome. To answer these questions Graham et al. analysed two hostage incidents.

In the first hostage of these two incidents only one of seven hostages developed Stockholm Syndrome. This siege lasted three and a half hours and was ended by a sniper killing the hostage-taker (Graham et al., 1994:14). While several hostages had ambivalent feelings towards the police, only one hostage had positive feelings for the hostage-taker. The hostage-taker referred to this hostage as his "secretary" throughout the siege and isolated her from the other hostages who were held together (Graham et al., 1994:16). This particular hostage, a switchboard operator, had spent the most time with the hostage-taker and had the most positive contact with him (Graham et al., 1994:16). She was the only hostage who described the hostage-taker as clean cut and attractive, when in fact he was malodorous and shabby (Graham et al., 1994:17). Graham et al. compared the response of this hostage to that of the other hostages in the same siege. They noted the rapidity of the development of Stockholm Syndrome and queried whether a demonstration of kindness or loyalty by the hostage-taker was a prerequisite for the development of Stockholm Syndrome (Graham et al., 1994:17).

The second hostage incident was the hijacking of TWA Flight 847 in which Lebanese Shi'ites held 37 passengers captive for 14 days (Graham et al., 1994:17-18). All but one passenger, Peter Hill, developed Stockholm Syndrome. Hill remained hostile towards the hostage-takers for the duration of his captivity and gathered evidence for later use. He was able to describe many examples in both the hostages and the hostage-takers of what he has now recognised as signs of the development of Stockholm Syndrome. Signs identified by Hill included an offer by a hostage to help the hostage-takers communicate their message to the American people, hostages and hostage-takers riding motorcycles and playing football together; and hostages lighting cigarettes for hostage-takers.

Table 6.i: Paradoxes That Are Stockholm Syndrome

Hostages' Perspective		Outsiders' Perspective	
1.	Feel gratitude toward captor for permitting them to live (or giving them their lives back).	1.	Believe no one has right to wilfully threaten or take another's life.
2.	Find it difficult to feel anger toward captors; instead feel gratitude.	2.	Expect hostages to feel rage at captors for jeopardizing hostages' lives
3.	See captors as kind. Psychological impact of captors' small kindnesses supersedes psychological impact of terror.	3.	See captors as indifferent to hostages' and others' suffering.
4.	An open door does not look like an open door.	4.	Find it difficult to comprehend why hostages don't escape when apparently have opportunity to do so.
5.	Won't try to escape, if given opportunity, if captor might be killed in the escape attempt.	5.	Don't understand why hostage would be concerned about whether a captor is killed during an escape attempt; wouldn't death be a just punishment for captor?
6.	See captors as "good guys" who are protecting them and police as "bad guys" who are trying to kill them.	6.	See captors as "bad guys" and police as "good guys".
7.	Are sympathetic to the politics of their captors.	7.	Think hostages should be politically polarized against their captors.
8.	May refuse to testify against captors; seek leniency and may develop defense funds help get captors off.	8.	Expect hostages to want their captors to receive maximum prison sentence possible for hostage taking.
9.	Remain loyal to captors following release, not feeling safe enough to be disloyal without expecting retribution.	9.	Don't understand why hostages remain loyal to their captors following release; feel the sympathy and loyalty hostages expressed while captives surely weren't real.
10.	Don't feel safe following release. Fear captors coming back to hold them captive again.	10.	Think former hostages are safe once released.

(Graham et al., 1994:12)

Graham et al. (1994:19) investigated if Hill's initial response to the siege, the gathering of evidence, could have enabled him to avoid a distorted perception of the hostage-takers. They discounted this explanation by referencing another hostage situation in which a reporter, held hostage on a train, also gathered information but nonetheless developed Stockholm Syndrome. Graham et al. concluded that Hill's own answer offered the best explanation. Hill reported that his father had been killed fighting in World War II, but that he had never served in battle himself. He commented that he saw the siege as an opportunity to both serve his country and prove something about himself. Another hostage argued that Hill's actions jeopardised the safety of the remaining hostages. Graham et al. concluded that the goals of these two hostages were quite different: one wanted to prove himself irrespective of the risk to himself or others, the other was entirely focused on survival.

Graham et al. argued that the length of time hostages were held captive might not be the relevant variable to determine the time frame for the development, maintenance and continuance of Stockholm Syndrome. Based on their analyses of the two hostage situations, they argued that it was more relevant to analyse the events and psychological processes that have gone on over time (Graham et al., 1994:19). The development of Stockholm Syndrome could be more dependent on the perception hostages have, with regards to the length of their captivity and the possibility of escape. Within any hostage situation, those hostages who have believed the siege would end soon might be less likely to develop Stockholm Syndrome, or might develop it more slowly, than those hostages who believed the siege would be prolonged (Graham et al., 1994:20).

Graham et al. noted that Stockholm Syndrome appeared to persist after the siege had ended. Although the effects of the syndrome could be long term, they have diminished over time (Graham et al., 1994:20). They further developed this point by noting that the positive feelings of the reporter, who had been held captive on the train, disappeared when he learned that the same hostage-takers took captives again in a later siege. Graham et al. argued that this demonstration of diminished feelings for the hostage-takers was an indication that the perceptual distortion the reporter had of the hostage-takers was breaking down. The new knowledge, the taking of captives

by the same hostage-takers in another siege, might have served to disrupt the bond between the reporter and hostage-taker. Graham et al. concluded that it could be this perceptual distortion that has been the relevant variable in both the maintenance and persistence of Stockholm Syndrome, but cautioned that more observations and research were necessary before any conclusions could be drawn.

Graham et al. (1994:21) reported that although males and females have appeared equally likely to develop Stockholm Syndrome, women were more at risk of rape, or the threat of rape, which added an additional element of fear for female hostages. This threat could explain why some female hostages have romanticised their interaction with hostage-takers. It could be an attempt to normalise their situation and reduce the terror.

Would-be rescuers of hostages could not depend on hostages to give them the correct information or even to respond appropriately if a rescue attempt was made. The responses of hostages, both during the siege and after, have been dependent on the extent to which Stockholm Syndrome has been present. Despite the difficulties this has created for potential rescuers, law enforcement personnel have attempted to encourage the development of a bi-directional relationship between hostages and hostage-takers (Graham et al., 1994:21). This has been with good reason.

Irka Kuleshnyk (1984:39) noted that in all recorded incidents if the hostage-taker has developed feelings of malevolence towards the hostage, detrimental consequences resulted for the hostage. While there have been disadvantages to the development of Stockholm Syndrome in hostages and hostage-takers, these have been outweighed by the advantages; saving lives. Law enforcement officers have studied the effects of the Stockholm Syndrome to assist in negotiations with hostage-takers, and have suggested principles of behaviour for hostages that could improve their chances of survival (Kuleshnyk, 1984:41; Graham et al., 1994:21). These principles could be summarised as the development of a bi-directional relationship whereby hostage-takers have been encouraged to view hostages as individual human beings, which has facilitated their ability to relate to the hostages on a more personal level. The underlying premise has been that a hostage-taker has been unable to kill someone with whom he or she has developed a relationship. No doubt this has been the very

reason why in some hostage situations, hostage-takers have had limited contact with their hostages.

Much of what has been known about the bonding of hostage-takers and hostages has been based on anecdotal accounts of hostage situations over the past few decades. Graham et al. (1994:24-28) reviewed the literature, referencing those theorists who had offered explanations for the psychodynamics underlying the syndrome. Strentz (1982) emphasised the hostages' regression to infantile behaviour, evidenced by the hostages fearing separation from and clinging to the hostage-takers. He understood that the development of the bond occurred by hostages adopting the perspective of the hostage-taker, thereby developing the perception that the police or rescuers were the enemy. Hacker (1976) argued that the hostages identified with hostage-takers as victims. The perception of the police, or rescuers, as a common enemy, therefore enabled the bond to develop between hostages and hostage-takers. Symonds (1982) based his understanding on the concepts of frozen fright, traumatic infantilism and pathological transference. He argued that as hostages emerged from shock they became effectively paralysed, focusing on physical survival. Hostages moved from this state of frozen fright to develop traumatic psychological infantilism, and responded to hostage-takers with appeasement, submission, ingratiation, cooperation and empathy. According to Symonds (1982), as the hostage situation continued without an apparent rescue attempt, hostages developed a pathological transference to the hostage-takers. As their perception distorted, hostages began to believe that the hostage-takers were keeping them alive. Soskis and Ochberg (1982) noted that the syndrome always developed within a context of confinement and helplessness. They argued that the reason for the development of Stockholm Syndrome was the generation of hope, and because the hostage-taker was the source of that hope, the hostage felt gratitude towards the hostage-taker.

Although each of these perspectives has attempted to explain different psychological phenomena associated with Stockholm Syndrome, some similarities were evident (Graham et al., 1994:28). They all recognised that the terror experienced by hostages created feelings of absolute dependence and helplessness in the hostages. All, with the exception of Soskis and Ochberg, drew similarities between hostages and the helplessness and dependency of infants on parents. Despite the variations in the

arguments that these theorists have put forward to explain the psychological mechanisms that underpin Classic Stockholm Syndrome, Graham et al. identified five consistent phenomena that required further explanation.

1. *Hostages' belief that the hostage-taker is an omnipotent, caring protector and that it is the police who are trying to kill them*
2. *The hostages' clinging to the hostage-taker*
3. *Their blind obedience to the hostage-taker*
4. *Their gratitude to the hostage-taker for allowing them to live*
5. *Their absence of anger at the captor despite their nightmares and fears*

(Graham et al., 1994:28)

Graham et al. (1994:24) concluded there was no universally accepted definition of Classic Stockholm Syndrome; neither was there a universal theory for the development and maintenance of Stockholm Syndrome. They argued that a widely accepted explanation of the underlying psychodynamics was lacking, as was a comprehensive theoretical explanation for the observed phenomena (Graham et al., 1994:29). Despite these deficits Graham et al. established that the following three indicators of the development of Classic Stockholm Syndrome were widely accepted.

1. *Positive feelings by the hostages toward the hostage-takers*
2. *Negative feelings by the hostages toward the police or other "rescuers"*
3. *Positive feelings by the hostage-takers toward the hostages.*

(Graham et al., 1994:28)

Although some of the paradoxes of Stockholm Syndrome have been explained by the theorists referenced by Graham et al., others required more explanation. These included explanations as to why victims blamed themselves for abuse perpetrated against them by hostage-takers; why small kindnesses by hostage-takers impacted so powerfully on the attitudes of hostages towards the hostage-takers; and finally whether cognitive distortions occurred because the hostage developed Stockholm Syndrome or if Stockholm Syndrome developed because the hostage cognitively distorted (Graham et al., 1994:29). Graham et al. (1994:28) argued that the lack of an accepted understanding of the underlying psychodynamics, combined with the lack of a comprehensive theory, suggested that understanding of the syndrome was

fragmented. Graham et al. noted that bonding with a hostage taker was similar, if not identical, to bonding with an abuser. Building on the work of earlier theorists, those mentioned above and those working in the field of battered women and abused children, Graham et al. developed Classic Stockholm Syndrome to provide an overarching theory which the writers have referred to as Graham's Stockholm Syndrome theory.

Graham's Stockholm Syndrome Theory

Graham et al. reviewed the literature related to nine victimised groups, to determine whether bonding occurred to an abuser, as it did in Stockholm Syndrome. These groups, not usually thought of as hostages, were concentration camp prisoners, cult members, civilians in Chinese Communist prisons, pimp-procured prostitutes, incest victims, physically or emotionally abused children, battered women, prisoners of war, and hostages in general (Graham et al., 1994:31). Graham et al. identified a set of four conditions that they put forward as a set of precursors for Stockholm Syndrome. They synthesised the underlying psychodynamics identified by earlier theorists and defined major indicators of Stockholm Syndrome. Finally, they identified a number of cognitive distortions that could be associated with Stockholm Syndrome.

Before I analyse Graham's theory it is necessary to comment on language and terminology. In the above discussion of Classic Stockholm Syndrome, I have used the terms hostages and hostage-takers to denote the parties involved in a hostage situation. Hostages were undeniably victims in this situation. Graham et al. theorised that a similar bonding occurred between a victim and an abuser. Children have not usually been described as hostages in this situation, but they could be victims, and they could be described as captives. *The Concise Oxford Dictionary* (Allen, 1990:167) has defined a captive as a person or animal who was "...kept in confinement, or under restraint...unable to escape...in a position of having to comply...of or like a prisoner". The same dictionary has defined a captor as "...a person who captures". To capture has been defined as "...to take prisoner...to obtain by force or trickery". In the context of these definitions, undeniably children have been captives of their parents and, in particular, have been captives of adults who

sexually abused them. In discussing Graham's theory I have used the terms victim to denote a captive and survivor to denote those victims of child sexual abuse that have contributed to this research project. Graham et al. used the term abuser to denote a captor. I have used the term abuser in any direct quotes, but I have used the term offender in the discussion to maintain consistency with other sections of this thesis. When quoting survivors, I have used the terminology they used as they described their circumstances.

Within the interviews that I conducted with survivors of child sexual abuse, I did not specifically ask questions related to Stockholm Syndrome, neither did I describe it. It was not until I analysed the interviews and attempted to understand why survivors were reluctant to criminally report that I understood that their reluctance was not only due to their understanding of the revictimisation that victims were subjected to in the traditional criminal justice system. Most survivors were emotionally bonded with the offender and this appeared to contribute significantly to their inability to criminally report. I have related Stockholm Syndrome, as theorised by Graham et al., to the survivors of child sexual abuse that I interviewed, by enabling their voices to be heard.

Graham's Hypothesised Precursors

Graham et al. (1994:33) found that in all nine groups of victims, bonding between an offender and a victim occurred when four conditions were co-existent. They argued that the following four conditions were precursors for the development of Stockholm Syndrome.

1. *Perceived threat to survival and the belief that the abuser is willing to carry out that threat*
2. *The victim's perception of some small kindness from the abuser within a context of terror*
3. *Isolation from perspectives other than those of the abuser*
4. *Perceived inability to escape*

(Graham et al., 1994:33)

Graham et al. acknowledged that while these precursors were necessary for the development of Stockholm Syndrome, on their own they were probably insufficient.

Other necessary conditions were those identified in Classic Stockholm Syndrome, such as encouraging humanisation, promoting interaction and reducing the psychological distance between the victim and the offender and, most importantly the victim's motivation to survive (Graham et al., 1994:33). I will review each of the four precursors that Graham et al. have proposed, drawing on the information provided by survivors of child sexual abuse.

Perceived Threat to Survival

Emotional abuse, or the threat of harm, has been a threat to physical survival (Graham et al., 1994:34). The sexual abuse of children has included physical and emotional abuse, which has threatened a child's psychological survival and in some instances has threatened his or her physical survival. For some survivors their initial reaction was of shock and confusion.

I didn't do anything. One, I was enjoying it ... Two, I was so shocked that this was happening to me ... I didn't know what to do.

Karen: Interview 18

Survivors of child sexual abuse recounted how they had experienced physical violence or the threat of physical violence.

...And then he gave me a hiding and called me a naughty bad girl and all that sort of stuff ...

Belinda: Interview 12

I always used to have a dreadful fear of my father because he used to physically beat us up too, and I have always had this fear of him, he's always been this big bad man to me.

Gwyneth: Interview 21

Survivors of child sexual abuse perceived this threat to survival as extending to others emotionally close to them. They saw themselves as being responsible for the safety of others around them.

If I told Mum, he would just tell her I was lying and then he would just hit Mum like he always did. I tried to keep out of his way, but what ever I did, it didn't seem to work. The confusion and fear grew.

He actually tried, he tried at one stage to touch my sister. She hit him so he gave her a hiding and she went home and told Mum ... Mum confronted him about it and he told Mum it was all in her head ... he gave Mum a hiding for it. So that's why, at that stage I knew then that I couldn't approach her about it, and because of the fact of the physical violence, I couldn't, I knew what his reaction was going to be if she confronted him ... I didn't want to put her in any more harm as it was, 'cause she was going through enough as it was, anyway.

Rosalind: Interview 6

Survivors reported they were threatened in a variety of ways; the withdrawal of love, damage to things that they owned and valued, and the threat of something happening to the offender, a family member, someone they loved.

He'd cry sometimes he'd get that serious. "You can't do that, [disclose the sexual abuse] Mum and Dad would kill me." So he knew it was wrong, but he would threaten me with other ways. Either he wouldn't love me anymore, you know if I told on him, or take something that I really valued as a young kid, usually toys and stuff. When you're young those things mean the world to you, and he'd take something and destroy it, he'd burn it or chuck it away or rip its legs off you know, which is really upsetting to a little girl ...

Sharon: Interview 14

Survivors of child sexual abuse reported that emotional, verbal and psychological abuse was in some respects more difficult to deal with than any physical abuse. They did not talk about recovering from the sexual abuse as such; they commented on how difficult it was, and still is, to recover from emotional, verbal and psychological abuse. Some survivors commented, "You never recover".

... 'cause it's the things that people say to you, for me it was the things that were said to me that I can't forget, not so much the actions, or the physical violation, it's the things that were said, that's the hard bit to get rid of.

Sharon: Interview 14

And then there was the verbal abuse, which he did on all of us including my mother, about how we were dumb, we were no good for anything and all that sort of stuff, and that's very hard to get over.

Rosalind: Interview 6

Words that have been spoken cannot be taken back. They have assumed a power of their own. When an adult has spoken to a child, he or she has spoken as a person in authority. From the perspective of a child, the adult was a person who purported to love you and was supposed to protect you, and a person upon whom you depended for your very life. To a child these words must have been true.

...Told you were not good, you're horrible, none of the other children liked you...

Sandy: Interview 19

As adults, reflecting on their childhood, survivors of child sexual abuse were in no doubt that their survival was threatened.

...a child has been put into a situation that endangers their life. And it does endanger your life, because so many survivors have died from suicide. And it endangers the quality of your life.

Carol: Interview 7

The police would come in, my father would be taken away, my mother would blame me, or if she didn't blame me she'd certainly be upset because she loved him, my brothers and sisters would hate my father, we'd have no money, which in those days we didn't have much money anyway, so where do you go? Not very far.

Sarah: Interview 16

Survivors of child sexual abuse reported that they were threatened. If they had told anyone what was happening they felt they would be responsible for the family splitting up, people going to prison, children being taken away from their homes, families being left without money. Even those who were not threatened so explicitly were aware that if they had told someone what was happening to them, their family as they knew it would have been threatened. Survivors of child sexual abuse have repeatedly said to me, "If you do not have a family what do you have?" This was a very real threat to a child's survival, a threat to both their physical and psychological survival.

Perceived Kindness

Graham et al. (1994:34) argued that a person under threat would perceive kindness differently than a person whose survival was not threatened. They used the example of the cessation of violence that battered women have perceived as a show of kindness. Survivors of child sexual abuse did not report any specific instances of kindness, but neither did I specifically ask them. Some survivors of child sexual abuse spoke of being flattered that they had been singled out for such adult treatment.

I was flattered that he gave me a lot of attention, he was interested in things happening in my life, how things were going at school, he treated me like a grown up and he gave me lots of extra pocket money.

Anna: Interview 11

Others spoke of experiencing physical sensations that were enjoyable, albeit confusing. All survivors who had been sexually abused by a family member, or a close family friend, commented that they had believed the offender loved them.

My father always told me that everything he did to me was for my good.

Sarah: Interview 16

Adult survivors of child sexual abuse tended to minimise their victimisation. Comments were prefaced with the phrase, "...at least he didn't..." and concluded with such phrases as "...sexually abuse my sister" or other members of the family, "...hurt me" or other members of the family. Frequently survivors commented, "...it wasn't that bad" or "...it could have been worse". The following survivor said she had been willing to do anything to be able to stay at home.

I know at one stage my sister and I had to go to a children's home because my mother was sick, and I would have done anything, I would have put up with being beaten six times a day rather than go back to live in a children's home. You know. So after that, being abused, it wasn't nice, but it was better than being in a children's home.

Sarah: Interview 16

The mere fact that survivors believed the offender loved them could be taken as an indication that a perception of kindness existed. So could the perception of being

singled out for special attention, special outings or special gifts be interpreted as an act of kindness. The observation made by some survivors that it could have been worse indicated that a perception of kindness might still persist.

Isolation

Graham et al. (1994:35) noted that in hostage situations, isolation from persons other than the captor was usually physical. This isolation has not been as obvious in an abusive relationship. A victim might not be physically isolated from other persons, and from an outsider's perspective has been able to maintain contact with others outside of the relationship. However, the emotional and psychological isolation that victims experienced was profound. Many survivors reported ongoing isolation.

The areas that are important to me are the degree of isolation that I felt and still feel.

John: Interview 24

Graham et al. (1994:35) commented that offenders used a variety of strategies to discourage disclosure by their victims. Within the group of survivors, these included, but were not limited to, threats of violence against the victim, members of their family or family pets, claims that the offender would go to jail or that the family would break up.

My uncle repeatedly told me that what we were doing was wrong. It was wrong in the eyes of the law and in the eyes of God. He said that on Judgement Day, God would forgive us both. But if anyone found out what was happening he would go to jail. I would go to an orphanage and my father would lose his job. My mother, brother, aunt and cousins would have no one who could go to work and earn the money. They would lose their homes and have no food or clothes. It became my responsibility to make sure this didn't happen. I was about 8 years old, possibly younger.

Anna: Interview 11

Offenders told children they would not be believed and would be blamed for what had happened. Whether survivors had been told this or not, as children they were in no doubt that if they disclosed they would be blamed or disbelieved.

I don't recall being told I would not be believed or that I might be blamed for the sexual abuse but I certainly understood that this would be likely.

Anna: Interview 11

I knew if I had told someone I wouldn't have a family and that was all I had. Really what else do you have when you are a child, you only have your family. I had no friends outside of the family.

Sarah: Interview 6

The understanding that survivors had was reinforced by the apparent lack of action by various authorities.

With all the things that happened - the doctors, the hospitals ... I had the same leg broken six times ... how did they not know? What was there to give me any confidence that if I told someone that I would be believed and that someone would protect me?

Sarah: Interview 16

The isolation that survivors of child sexual abuse experienced as children has persisted through into adulthood. Those survivors who have attended self-help groups commented that these groups helped to break down those feelings of isolation.

...it's [the self-help group] just so nice, and that for me encourages me that I'm not out in the world all alone.

Gina: Interview 4

I found it helpful to be with other women, I found it helpful to be anywhere where I wasn't isolated, and I mean at this stage I had no life, so it wasn't like I had things to do or people to see.

Celia: Interview 8

Graham et al. (1994:36) noted that the victim's internalisation of the offender's belief that the victim deserved the abuse, which has been experienced by the victim as shame, has further isolated the victim from the perspectives of others. Survivors of child sexual abuse blamed themselves for the abuse, they felt guilty and they were ashamed.

I feel ashamed, I feel different from other people.

Carol: Interview 7

I don't want to be blamed anymore for this, I was a child without voice or power, I was not in control. But I remember actively going to sit on his lap. That didn't hurt, I liked it, but it was still sexual abuse. I didn't stop it even when I could have, when I was older. I must be to blame for some of it.

Sarah: Interview 16

Survivors of child sexual abuse were isolated from other persons while they were being sexually victimised. They were isolated from other perspectives and knew only the perspective of the offender. This isolation has persisted into adulthood and has been very difficult to break down. Feelings of guilt and shame were also evident and similarly have been very difficult to overcome.

Perceived Inability to Escape

Prisoners and hostages who were physically confined certainly had a decreased ability to escape. Hostage-takers or captors usually used the threat of violence to prevent any escape (Graham et al., 1994:36). So did offenders. The threats offenders made to children in their effort to silence them, also rendered them incapable of escape. It was not only a perception for survivors that they were unable to escape. Survivors of child sexual abuse tried to stop the abuse but were unable to.

I was, you know, shouting at him and pulling at him, telling him to get away from me ...

Rosa: Interview 18

I still kept trying to get away but whatever I did, I couldn't get him off me.

Rosalind: Interview 6

Looking back [I did] all sorts, protective sorts of things, trying to get clean, trying to get away.

Gina: Interview 4

Adult survivors of child sexual abuse commented that other adults, who must have known what was happening, did not protect them.

So I've always been very aware from a very young age that whatever was going on in my life had something to do with the fact that my

mother wasn't quite with it, and whatever situation I was in, was because my mother wasn't protecting me from that.

Celia: Interview 8

Furthermore, the response of the police and other agencies served as an example to other children who were being sexually victimised. The following survivor was raped at the age of thirteen by two young men. Kiri's experience would have confirmed to any children who were aware of her circumstances that they were unable to escape.

My father drove me to the police station and I gave a statement. I was told it was going to help other women. I gave a statement. I was placed in Social Welfare care from then on until I was old enough to get a job.

Kiri: Interview 25

As adults, survivors believed that an offender could abuse a child without other adults being aware.

I was never sure if my aunt knew or not. On the one hand I believe she must have known, did she never wonder why it took him so long to say "goodnight". On the other hand I know that these people are so plausible, they hide it so well. We underestimate how clever they are.

Anna: Interview 11

Some survivors believed their mothers had to know but were unable to protect them as they too were being victimised.

She had to know ...Where was she when he was in my bedroom? Sometimes he would spend a lot of time and he would bring the "things". He didn't hide them in anything, he just came upstairs with them. They were gynaecological instruments, a speculum. He used the same "things" on her. Sometimes on weekends they would be upstairs in the afternoon, when she came down, sometimes she would be crying or walking funny.

Sarah: Interview 16

If an adult were unable to protect him or herself, a child would be no better equipped. Children interpreted this perceived failure of adults to protect them, as further proof that they could not escape.

Very often the abuse did not stop until the child was old enough to leave home.

I stopped it by leaving home when I was 16.

Sarah: Interview 16

I spent most of my childhood waiting 'til I could get away.

Celia: Interview 8

Children were unable to escape. They did not have the language to relate what was happening to them. Their perception was distorted and furthermore if the sexual abuse was occurring in their home they had nowhere to go. Their inability to escape was not merely a perception: it was their reality.

The four precursors of Stockholm Syndrome: a perceived threat to survival, small kindnesses, isolation, and a perceived inability to escape, were evident in the responses of adult survivors of child sexual abuse. As Graham et al. (1994:37) argued these four precursors were not discrete. There were strong associations between them. As predicted by Graham et al., the responses of these survivors highlighted that all that all four precursor conditions were so interdependent that it would be unlikely to have a high degree of one precursor without a high degree of the other three precursors. This analysis of survivors' responses established that the four precursor conditions necessary for the establishment of Stockholm Syndrome co-existed within this group of survivors of child sexual abuse.

Psychodynamics underlying Stockholm Syndrome

It has been difficult for outsiders to understand the development and maintenance of the strong bond that has appeared to exist between victims and offenders. The convergence of the four precursor conditions for Stockholm Syndrome has generated the following psychodynamics that could account for the puzzling behaviour of people who have Stockholm Syndrome (Graham et al., 1994:37). The offender

threatened the survival of the victim. Consequently, the victim, unable to escape and isolated from others, turned to the offender for nurture and protection. The need for nurture and protection combined with the will to survive compelled victims to actively search for expressions of kindness, empathy or affection from the offender. The victim suppressed any feelings of danger, terror or rage and through this denial was able to bond to the positive side of the offender (Graham et al., 1994:38). To facilitate survival, the victim similarly suppressed his or her own needs and became both hypervigilant and hypersensitive to the offender's needs, feelings and perspectives (Graham et al., 1994:38). To more readily anticipate the needs of the offender, the victim attempted to view the world through the perspective of the offender. The harder victims worked to meet the needs of the offender, the stronger their bond was to the offender (Graham et al., 1994:39). It was through this process that victims came to view any would-be-rescuers, such as parents, police, therapists or friends, as the "bad guys", because that was the offender's perception (Graham et al., 1994:38). The offender became the "good guy" and victims eventually believed that they deserved the abuse or were somehow responsible for it. The victim interpreted this survival strategy as positive feelings for the offender.

As I have demonstrated through the voices of survivors, the four precursor conditions could be identified in survivors of child sexual abuse. The psychodynamics underlying the syndrome, outlined above, summarised the development and maintenance of the powerful bond typical of Stockholm Syndrome. Victims of child sexual abuse could be identified with victims of Stockholm Syndrome. Children could be particularly susceptible to the development of Stockholm Syndrome. Nurture and protection are basic needs. Victims of child sexual abuse very often have been abused by the person who had the responsibility of providing these basic needs. Children have not yet formulated or identified their individual needs, feelings and perspectives. They have viewed the world around them from the perspective of important adults in their lives, usually their parents, close relatives or people in some position of authority. The sexual abuse of a child, typically, has been enabled because of a pre-existing emotional bond, and the continuation of this relationship has occurred because a child simply had no other choice. There have been no other options available to them. Victims of child sexual abuse have had no choice, but to survive the best way they could.

Victims have also experienced what Graham et al. (1994:39-40) described as “push-pull” dynamics. The “pull” forces were based on the following cognitive distortions the victim had of the offender.

- Victims believed the abuser needed their help
- Victims saw the abuser as a victim who only needed to be loved
- Victims believed they were the only ones who understood the abuser
- Victims wanted to protect the abuser because he had protected them

These rationalisations have enabled victims to believe they were in control so they could overcome the “push” force that pushed them away from the offender because he was threatening their survival.

Graham et al. (1994:39) argued that if victims were subjected to the four precursor conditions for a prolonged period of time, months or years, they eventually understood their sense of self worth from the perspective of the offender. Any pre-existing sense of self worth was supplanted. The longer victims were exposed to these conditions, the more difficult it was for them to change their perception of themselves and the more difficult it was for victims to psychologically break away from the offender.

Graham et al. (1994:40) described two mechanisms that complicated psychological separation from the offender. Victims in a state of isolation did not want to lose the only positive relationship they perceived themselves to have, and neither did they want to lose what they perceived as their self-identity. These fears were expressed by feelings of abandonment, emptiness, loneliness, and an inability to live without the offender. The greater these fears, the more damage there was to the sense of self. Children have only had the one sense of self, unlike adults who possibly might have a previous undamaged sense of self. Without the offender a victim might have no sense of self, or might have to struggle to find a sense of self. This would be a step into the unknown “...which is difficult even for people in healthy environments” (Graham et al., 1994:40). The fear victims had of the offender served to keep them loyal. They have been harmed once and had no basis to believe it would not or could not happen again (Graham et al., 1994:41). For many victims this fear persisted for

years after the abuse had ended. For some the fear has not ended. Children, because of their dependency and lack of power could fear the offender for a prolonged period and could remain loyal to an offender well into adulthood. They might never be able to psychologically separate from the offender.

Survivors of child sexual abuse appeared to have difficulty in psychologically separating from the offender. Survivors indicated they felt isolated and many expressed fear of what the offender could do to them or other members of their family. Many survivors indicated that they knew the offender had a difficult childhood or had been sexually abused. The loyalty of some survivors to the offender was at times overwhelming, considering the victimisation some had been subjected to. The cognitive distortions outlined above have been evident in the voices of survivors quoted throughout this chapter.

Major Indicators of Stockholm Syndrome

Graham et al. (1994:42) likened Stockholm Syndrome to a continuum and argued that it was not necessary for victims to display all indicators of the syndrome to be identified as having Stockholm Syndrome. A combination of indicators could be present to varying degrees. However, it was not sufficient for a victim to display only one indicator to be identified as having Stockholm Syndrome. Graham et al. identified the following indicators as a guide to determine the presence of Stockholm Syndrome.

1. *The victim shows symptoms of ongoing trauma or Post-traumatic Stress Disorder.*
2. *The victim is bonded to the abuser.*
3. *The victim is grateful for small kindnesses shown by the abuser.*
4. *The victim denies the violence, which is occurring or is able to rationalise the violence. The victim denies his or her own anger to others and to himself or herself.*
5. *The victim is hypervigilant to the abuser's needs and attempts to keep the abuser happy. This hypervigilance is unidirectional, that is it is not bilateral.*
6. *The victim views the world from the abuser's perspective. She or he may not have their own perspective and so the victim experiences their own sense of self through the abuser's eyes.*
7. *The victim sees would-be rescuers as the "bad guys" and the abuser as the "good guy" or the protector.*

8. *The victim finds it difficult to either leave the abuser or to psychologically separate from the abuser.*
 9. *The victim fears retaliation from the abuser.*
- (Graham et al., 1994:42)*

I could identify a combination of the above indicators in the responses of many of the survivors I interviewed. These have been evident in the voices of survivors that I have quoted throughout this chapter.

Cognitive Distortions

Graham et al. (1994:43) argued that the cognitive distortions listed in *Table 6.ii* (page 193) could occur in anyone victimised by chronic interpersonal abuse. These cognitive distortions were survival strategies. They reduced the terror and enabled the victim to feel that they were in control of the abuse. The reduction of terror enabled effective coping throughout the period of victimisation. Graham et al. argued that many of the distortions enabled the victim to believe that they had some sort of control over their circumstances. Such distortions included self-blame, seeing the offender as a victim, and believing that if they only loved the offender enough the abuse would stop. Graham et al. (1994:45) argued that there were at least two reasons why victims blamed themselves for the sexual abuse. Firstly, as a survival technique, victims assumed the perspective of the offender who believed his or her actions were justified. Secondly, by self-blaming, victims believed they could stop the abuse, which encouraged them to influence outcomes.

Research has shown that people have coped better if they felt they were in control, even though they might have no control (Graham et al., 1994:45). It has been likely that in instances of severe abuse, victims have had very little control. As a survival strategy these victims were more likely to blame themselves for their circumstances. To develop a sense of control, which negated feelings of victimisation, victims spent considerable effort attempting to determine what it was they were doing to cause the abuse and concentrated their efforts on improving themselves (Graham et al., 1994:46).

Table 6.ii: Cognitive Distortions of Stockholm Syndrome Victims

- Narrowed perceptions; perceptions are focused on the immediate, that is, on surviving in the here and now.
- Denial of abuse: don't see themselves as abused when they actually are.
- Minimisation of abuse: minimise the extent of the abuse ("It's not so bad. Other people have it worse").
- Rationalise abusers' abuse, seeing the cause of the abusers' abuse as being outside the abuser, or externally motivated.
- Self-blame.
- See their abuser as good and themselves as bad, or switch back and forth between seeing abuser as either all good or all bad.
- See their abuser as more powerful than the abuser actually is.
- Take on their abuser's perspective as their own. This includes:
 - Seeing themselves as the abuser sees them.
 - Hating those parts of themselves that abuser criticises or says is reason she or he is angry with them.
 - Believing they have to be perfect or they are worthless and thus deserve abuse.
 - Believing they do not deserve love and affection from others or even from themselves.
 - Seeing their abuser's needs, wants, and desires as their own.
 - Seeing those trying to help them escape the abuser and his/her abuse as "the bad guys" and the abuser as "the good guy."
- See small kindnesses by abuser as large kindnesses. Small kindnesses by abuser create hope that abuser will stop being abusive in future.
- See violence by abuser as a sign of his caring or love.
- Believe their relationship with their abuser would be perfect if the abuse were not occurring.
- See their abusers as victims rather than as perpetrators of abuse against them.
- Believe that if one is kind enough to [the abuser], and gives the abuser enough love, the abuser will let them live and possibly even stop abusing them.
- Believe that they love their abuser
- Believe that to survive they must have their abuser's love and caring.
- Are thankful and grateful to their abusers that the abusers have not killed them.
- Believe that if they even think a thought that is disloyal to their abuser, the abuser will know and retaliate.
- Believe that their abusers will come back to "get them" even when their abusers are dead or in prison.

(Graham et al., 1994:44)

Cognitive distortions served three functions (Graham et al., 1994:46): minimised the terror, facilitated bonding and instilled hope in the victim. As terror was suppressed, the victim and offender falsely attributed the victim's arousal and hypervigilance to love, as opposed to terror. This facilitated bonding between the victim and the offender, which subsequently instilled feelings of hope in the victim. This survival strategy, whereby the victim redefined the relationship as one of care, encouraged the offender to do the same, and subsequently the chances of survival were increased. As Graham et al. (1994:48) emphasised, people who developed the syndrome did not do so because of a personality defect or because of previous socialisation. Stockholm Syndrome has been a response to a threat to survival that has been identified in human beings, irrespective of gender, culture or age.

These cognitive distortions have been exemplified in the following comments made by survivors. This first survivor talked about the conflicting emotions she experienced.

...that was what the conflict was, in every other way he was a good father. You had every reason to be proud of the fact that he was your father. Unlike a lot of other fathers, he didn't drink, he was intelligent, you know. I came from a poor area, so that both my parents stood out amongst the usual parents of that area.

Because especially, when the abuser is not someone that is removed from the family, all those hurts and effects, creating a conflict in your mind. This is your husband, this is your father, this your uncle, or your brother, who you love, but you don't want them doing that. So there's conflict, you don't want to remove them, you don't want to not love them, but you know that's not right, so there's that conflict. Whereas if it's someone outside the family, it's not a conflict, you're not going to rip the family apart.

I can remember sitting on my father's lap at a family gathering, I don't know how old I was, eight or nine, and knowing what he was doing, and all the family was sitting around and knowing that if I moved the rest of the family would know what he was doing, and he knew that I couldn't move, because then the rest of the family would know what he was doing. And I can remember looking at my mother thinking, why can't you see what he's doing, and maybe she did, I don't know.

Sarah: Interview 16

When the sexual abuse stopped, some survivors experienced further conflict. On the one hand they were pleased the abuse had stopped, but on the other hand, they felt abandoned or rejected. They did not understand why the relationship had altered.

...all of a sudden this person that I loved and trusted was pushing me away ...I'd like, put all my trust into him and he just cut me off dead. That was it, our relationship went to pieces. From that moment on we grew apart, when we had a fight it was a fight, not a brother and sister spat, it was don't even speak to me, you know, and it was like he was taking it out on me, and I was like, what have I done ...

Sharon: Interview 14

When the sexual abuse stopped I was around 11 or so, I was just starting to go through puberty, it just stopped I didn't know why. I was quite happy that it had stopped, but I also felt rejected. It's a feeling that I have never really been able to understand.

Anna: Interview 11

Many survivors, in their efforts to understand why they had been sexually abused as children, identified that the offender had been abused as a child. This knowledge appeared to provide comfort for some survivors. For others, it provided a reason as to why the abuse occurred.

So when he said to me, well that guy did this to me [sexual abuse as a child], I was like, ah right, finally! It was like a piece of puzzle that was missing for me, you know? It was almost like, yippee, he was responsible for what he did, but would he have done that if that hadn't have happened to him? I don't think so. But being a sexually abused person, I know, well I think I know, I can relate to him to a degree as to what he would have gone through when he was a kid. Do you see what I mean? And there is a part that does excuse him, because sexual abuse is awful, and you don't really have much choice when you're that age.

Sharon: Interview 14

I think we now accept that there are victims out there, but perpetrators are also victims ...They are all human beings, how can you hate another human being that was probably abused when he was a child... you just perpetuate it, you've known inadequacy. I couldn't trust him [my father], but I don't hate him.

Tracey: Interview 17

For survivors of child sexual abuse these cognitive distortions persisted well into adulthood. The following comments were made by a survivor talking about how she felt as an adult disclosing child sexual abuse.

I kept crying ... Because, because I can't, because I'm this little girl, I mean, for me it's like, you know, I was the little girl telling on my father, telling on my family. And the regression was immediate and frightening and overwhelming...

Karen: Interview 18

The following comments highlight how difficult it has been for survivors of child sexual abuse to psychologically separate from the offender.

I was still in a sort of ... in a very co-dependent relationship with my parents. I wanted to try and fix things in their lives, [as an adult] I wanted to be their little child ... I wanted things to be good for them.

Carol: Interview 7

I make excuses for him, if I read a story about someone like my father and the things he did to his daughters, I would think that such a person is a monster. But he was my father. The only father I ever had. I don't have a choice, I can't have another father or go back and change it. I guess that's why I have toned my story down and only told part of it – the white-washed parts. The parts that weren't too bad.

Sarah: Interview 16

Both male and female survivors of child sexual abuse have experienced difficulties psychologically separating from the offender.

Before I could confront my uncle I would have to do more work on myself. I am not capable of physically confronting him. I still have this impression of my uncle having superiority over me.

John: Interview 24

The perceptual distortions have persisted well after the abuse ceased and have persisted well into adulthood. An emotional bond has developed between the child victim and the offender, typically a close family member or family friend. This is evident in the following comments.

All touch is nice, so that it is not wrong initially, it [sexual abuse] normally is only touch initially, I don't know many children who've enjoyed the later parts of abuse, that's totally different ... affection is what you get from parents, and it seems like affection to start with.

Sarah: Interview 16

I did everything with my brother as a kid, on the weekends we did everything together, we were good friends, you know, we used to fight all the time, but we were really good friends, and then because he had that sort of bond with me, I think that's why he could use that to his advantage.

Sharon: Interview 14

As has been mentioned previously the bond between victim and offender has broken down over time (Graham, 1994:20). Without some sort of intervention this has occurred very slowly. Counselling has been one such process. One objective of counselling, amongst others, has been to disrupt these cognitive distortions, so that the survivor could psychologically separate from the offender. Counselling has aimed to empower a survivor of child sexual abuse sufficiently so they could establish their own perspective and discover a sense of self. It appeared that as survivors of child sexual abuse learned about other victims who had been victimised by the same offender, they initiated action in an attempt to protect other children. As Graham et al. (1994:20) observed with hostages, this new information served to disrupt the bond between the adult survivor of child sexual abuse and the offender.

He [my father] has a second wife, Philippina wife, or did have, and he has a son by her, I guess I felt like, that her son [my stepbrother] was at risk ... I guess ... [that's the reason I went to the police].

Cindi: Interview 20

When I found out there were other victims, I couldn't believe it, I had thought I was the only one. In fact they seemed to be falling out of the woodwork, and I was the oldest. I felt so responsible. If I had have told someone all those years ago, maybe the others wouldn't have been abused. I felt an overwhelming responsibility to do something, I was not in a position as a child to stop the abuse, but as an adult I certainly could. So I went to the police. I needed to give that responsibility to someone else.

Anna: Interview 11

If I thought my father had been running around interfering with other girls too, I think I would have reacted differently. I'm almost 99% certain that he never has. My brother, my younger brother has a daughter, and she from the age of about three was allowed to go and stay with Granny and Grandad. At this stage my sister and I got together and said, do we say something or do we not, and we did. It was his decision that she could still go, he felt that nothing would happen and if it did she would say so. We tried to tell him that that's not always the case. It was his decision and as far as I know she's never been touched.

Sarah: Interview 16

She [my sister] told our friend's daughter that he [our father] had been touching her. Yeah, up 'til then I didn't know. He actually touched her the night before he was arrested. That's basically why I never really did anything because I thought I was the only one. Same old story. I thought well, at least if he was doing it to me he wasn't doing it to them. But if I'd known beforehand ... that was the only thing that stopped me from actually doing anything about it, was because ... if I'd know that he was touching her then I would have done something about it a lot earlier, if I'd known.

Rosalind: Interview 6

I called up a hot line, because I was afraid my nephew was being abused, because he was left at my parents house every other weekend, terrific place to leave a child.

Carol: Interview 7

The emotional bond between survivors of child sexual abuse and offenders has persisted into adulthood. Graham et al. argued that this bond was a consequence of the abuse and the resultant survival strategies of the victim: "Victims with the syndrome do not stay with their abusers because they have bonded with the abuser; they bond with their abusers because they see no way to escape" (Graham et al., 1994:50). In the instance of child sexual abuse some sort of a bond existed prior to the commencement of sexual abuse. Paedophiles have spoken of establishing a relationship with a potential victim and gaining their trust as a part of their modus operandi (Briggs, 1995:9). Without an established pre-existing relationship, chronic abuse could not persist. The risk of the victim disclosing the abuse would be too great. The position of power the offender has held relative to the victim, combined with an established relationship, enabled the offender to exploit this relationship and sexually abuse the child, safe in the knowledge that the child would not disclose.

As previously discussed, Graham et al. (1994:19) argued that the length of time hostages were held captive might not be the relevant variable to determine the development and maintenance of Stockholm Syndrome. They claimed that this was more dependent on the events and psychological processes that occurred during the period of captivity and that the development of Stockholm Syndrome and its maintenance were more likely to be dependent on the victim's perceived ability to escape (Graham 1994:19). Although adult survivors of child sexual abuse, as a group of victims, were exposed to the four precursors identified by Graham et al. for a prolonged period, their voices, heard here, highlighted the fact that their inability to escape was not merely a perception. To them it was a reality.

Before describing Graham's Stockholm Syndrome, I noted the question that Graham et al. posed for themselves: have cognitive distortions occurred because of Stockholm Syndrome or has Stockholm Syndrome developed because the victim cognitively distorted? (Graham et al., 1994:29). The cognitive distortions were a survival strategy that resulted from exposure to the four precursor conditions that Graham et al. identified as necessary for the development of Stockholm Syndrome. Unless the cognitive distortions were present, to some degree, Stockholm Syndrome could not be said to be present. Therefore they concluded that the cognitive distortions enabled the development of the syndrome. In relation to victims of child sexual abuse it could be argued that children have not cognitively distorted because they had no pre-existing cognitive perception of their own. To ensure their survival, children have taken on the cognitive perception of the offender. The very fact that a person was able to sexually abuse children has indicated that the cognitive perception of such offenders was distorted. Therefore, children have assumed the distorted perceptions of the offender facilitated by a pre-existing relationship. It could be argued that unlike the adults described by Graham et al. the cognitive distortions have resulted because of Stockholm Syndrome.

Conclusion

Survivors of child sexual abuse might not identify themselves as victims of Stockholm Syndrome. However, aspects of Stockholm Syndrome were evident in their voices. They perceived a real threat to their survival, they identified that they

were isolated from other perspectives and they described their inability to escape. They did not explicitly identify that they had cognitively distorted small kindnesses made to them by offenders, but this could be identified in their words as they described their experiences. In some instances sexual abuse ceased because the survivor of child sexual abuse had physically separated from the offender. This has not necessarily meant that the survivor had psychologically separated from the offender. It was not easy for survivors, as either children or adults, to disclose child sexual abuse. It was equally as difficult for them to report their sexual victimisation to the police as adults. The deeply entrenched survival techniques utilised by survivors have continued to protect the offender long after the abuse has ceased. Stockholm Syndrome might not be the only explanation available to explain this phenomena; however, this syndrome has offered valuable insights regarding the reluctance of survivors to criminally report sexual abuse as a child. It also has offered valuable insights into why this reluctance to disclose has persisted well into adulthood.

Not all victims of child sexual abuse would be victims of Stockholm Syndrome, but it would seem that those who have been subjected to an ongoing sexually abusive relationship within the context of their family or social networks could be particularly susceptible to the development of this syndrome. The dependency of children on adults for nurture and protection has promoted the development of an emotional bond in the first instance. The stronger the emotional bond and the closer the familial relationship between victim and offender, the more susceptible the victim of child sexual abuse could be in developing Stockholm Syndrome. The presence of this syndrome in victims of child sexual abuse could complicate their recovery process. Furthermore, it could have implications for all those societal systems that have provided services and support to those affected by child sexual abuse. To effectively intervene in the sexual abuse of children we, as a society, should identify how to better meet the needs of victims recovering from the aftermath of child sexual abuse. In the next chapter I will review the recovery process from the perspective of theorists and report on issues that adult survivors have identified that would facilitate their journey of recovery.

Chapter 7

Recovery

Introduction

Victims of child sexual abuse, recovering from the trauma of child sexual abuse, could also be recovering from the effects of Stockholm Syndrome. As they have progressed on their journeys of recovery they have slowly understood that they were also victims of a crime. Further complicating an already complex recovery process has been the response of people surrounding the victim of child sexual abuse. The closer the relationship between the offender and other family members, the more complex the response of these family members has been as information has emerged that this person has sexually abused a child and could have abused others. The responses of family members have become even more confused as they too have begun to understand the implications such criminal activity could have for the offender. Some of these family members or close friends could be victims of the same offender, but as yet have not addressed the sexual abuse they were subjected to. The experience that non-victimised family members have had of the offender could be quite different to the experience of the victim. It could be very difficult, and in some instances impossible, for some family members to repaint the picture they have had of the offender. Victims of child sexual abuse have been dealing not only with their own recovery, but also they have been influenced by the recovery of others around them.

Howard Zehr (1995a:28) argued that an experience of justice, although it had many dimensions, was so basic that without it healing could be impossible. Judith Herman (1997:72) similarly endorsed this stance noting that public acknowledgement and justice were a central preoccupation for victims. Restoration for the victim depended on the response of the community. Herman (1997:70) argued that once it has been publicly recognised that a person had been harmed, the community must take action to assign responsibility for the act and to repair the harm. These two responses –

recognition and restitution – are necessary to rebuild the [victim's] sense of order and justice. However, as victims of child sexual abuse have attempted to seek redress or justice, they have been further traumatised by the responses of the community surrounding them, which has for some included the criminal justice system. Therefore, to gain a better understanding of the recovery process and its relationship with justice, I have reviewed the recovery process from the perspective of adult survivors of child sexual abuse and have identified a framework for recovery, which would be specifically relevant in the context of child sexual abuse. I have continued by identifying those elements that could promote recovery for survivors of child sexual abuse.

In the following section I will explore responses to trauma and demonstrate that the theory of Stockholm Syndrome could provide valuable insights to the process of recovery.

Responses to Trauma

Events that could be identified as “acts of God” readily have provoked sympathy and empathy for the victim (Herman, 1997:7). Psychological trauma, that has been a consequence of the actions of people, has invoked differing responses. The victim, through his or her demands for acknowledgement and action, has asked bystanders to share the burden of pain (Herman, 1997:7). The bystanders, in the instance of child sexual abuse, have been family members or close family friends who were involved in the family dynamics. It would be tempting to equate bystanders to the outsiders in Graham’s Stockholm Syndrome, but this would not be accurate. The outsiders in Stockholm Syndrome were not subjected to the effects of Stockholm Syndrome as were the victims. The bystanders that Herman referred to were those people who were a part of the victim’s family network or circle of friends. Some of these bystanders could be affected by the trauma the victim has been subjected to. They might not have been sexually abused by the same offender, but if they were, they could also be victims of Stockholm Syndrome. If they have not been victimised they would most certainly be affected by the emerging revelations within their family and social circle. They would not be the unaffected outsiders that Graham et al. referred to. It would be impossible for these bystanders to remain neutral. Inevitably they

would become involved in the conflict between the victim and the offender, and be forced to take sides (Herman, 1997:7). At a time when they should draw strength from each other and support each other within the family environment, the extended family as a unit could become fractured and polarised.

An offender has appealed, "...to the universal desire to see, hear and speak no evil" (Herman, 1997:7). To avoid accountability, the offender has promoted forgetting and has used silence and secrecy to secure this. Failing this, to ensure no one could listen, he or she has undermined the credibility of the victim by presenting an array of arguments from denial through to sophisticated rationalisation (Herman, 1997:8). The more powerful the offender has been, the more influential he or she has been in having arguments accepted and the more readily he or she could name and define reality (Herman, 1997:8). It has been almost impossible to resist the offender, particularly if the bystander was isolated and did not have a supportive social environment; despite any valued position the victim might have held in society (Herman, 1997:8). A devalued member of society, a child, a woman or a person with a disability was even more likely to discover that his or her reality occurred outside the domain of socially validated reality (Herman, 1997:8). Historically, bystanders have tended to take the line of least resistance. They have done nothing. They have looked the other way.

Herman (1997:132) argued that trauma has disempowered and disconnected a victim from others. This corresponded to the argument put forward by Graham et al.; the victim has assumed the distorted perception of the offender. The recovery process should be based on empowering victims and enabling them to make new connections within the context of relationships: that is, to restore power and control (Herman 1997:159; Zehr 1995a:21). Stockholm Syndrome highlighted the necessity to continue the psychological separation of the victim from the offender. Integral to the recovery process should be the breaking down of the cognitive distortions that have enabled the continued existence of the powerful bi-directional relationship, typical of Stockholm Syndrome. Herman identified three stages in the recovery process that followed the establishment of a traumatic syndrome: the first stage was the establishment of safety, the second was remembrance and mourning, and the third was the reconnection with ordinary life (Herman 1997:155). Herman acknowledged

that not all observers identified three discrete stages for recovery, noting that some writers varied between five and eight stages. She pointed out that all models for recovery remained comparable, and emphasised that any journey of recovery was not traversed in a linear sequence with clearly delineated stages of recovery, but was more of a circular journey in which earlier stages might be revisited temporarily.

Zehr (1995a:20) similarly identified a three-stage model that described the reactions of victims as they dealt with the trauma of crime. Zehr's first stage was the initial impact of the actual crime and the second stage was the recoil phase. Zehr (1995a:25) argued that moving from the second stage to the third stage, the reorganisation phase, marked the first step in the recovery process as a victim of crime. However as the discussion of Stockholm Syndrome indicated, considerable recovery must occur before victims of child sexual abuse could begin to frame their experience as a crime. At some point in the recovery process adult victims of child sexual abuse would have to deal with issues related to criminal offending, exemplifying the circular nature of the process of recovery. As Herman predicted, similarities existed between the two models, but as Zehr's model explicitly included the process of victimisation I will discuss this first and then turn to Herman's model, at the same time demonstrating that Stockholm Syndrome has provided valuable information for the recovery process.

A Victim's Response to Crime

Zehr (1995a:20) commented that victims commonly have responded to crime with what psychologists referred to as "frozen fear compliance". The state of terror and helplessness induced by violent crime was frequently interpreted as willing cooperation. Acting as testimony to this perception was the observation that many victims of crime appeared to ingratiate themselves to offenders, attempting to predict and satisfy their needs. This reaction could also be described as the survival technique identified in Stockholm Syndrome.

During this initial impact stage the victim was overwhelmed by feelings of confusion, helplessness, terror and vulnerability (Zehr, 1995a:20). Stockholm Syndrome could become established through this phase for victims of child sexual

abuse. The effects of Stockholm Syndrome would gradually subside as victims recovered from the initial impact and moved into the recoil stage. In the instance of victims experiencing a single event of violent crime, the impact phase might last only weeks before they moved to the recoil phase. For survivors of child sexual abuse the impact phase has tended to persist throughout their childhood and adolescence, and for most this was a prolonged number of years.

As victims of any crime moved into the recoil phase they experienced mood swings and fantasised about taking revenge against the offender (Zehr, 1995a:20). The victim then experienced new feelings of anger, guilt, suspicion, depression, meaninglessness, self-doubt and regret (Zehr, 1995a:20). The recoil phase could be identified with the second stage of Herman's model. Victims felt intense anger at the offender, which could contradict personal values and contribute to a sense of guilt (Zehr, 1995a:21). As they struggled with feelings of guilt and shame, victims constantly questioned themselves as to what they could have done differently. These responses were anticipated in Graham's Stockholm Syndrome. The feelings of fear, vulnerability and helplessness common to victims of all crime have appeared to be only accentuated for adult survivors of child sexual abuse and could be further explained by the cognitive distortions that existed in Stockholm Syndrome. Victims of all crime needed to regain control over their lives to enable them to trust other people (Zehr, 1995a:21). Many survivors of child sexual abuse have never had control of their lives; they have been in a constant state of survival for much of their lives.

The impact of any crime on victims has been devastating. It has upset two basic assumptions: firstly that the world was an orderly and meaningful place and secondly that we have had personal autonomy (Zehr, 1995a:24). Zehr argued that both these assumptions were essential for wholeness. While events might occur that we did not wish or anticipate, at least we could provide a rationale for most of these. We could provide the answers to questions that enabled us to integrate an experience and move forward with our lives. These answers, even though they might be influenced by the cognitive distortions of Stockholm Syndrome, have restored meaning and order to our world. In the absence of answers, victims blamed themselves (Zehr, 1995a:25). Zehr argued that blame was an important way of providing answers so that a

semblance of wholeness could be restored. Graham et al. presented a similar argument in their description of Stockholm Syndrome. Victims of child sexual abuse, who have never had another perspective of their world, could have difficulty finding answers to these questions without resorting to the cognitive distortions of the offender.

To complete the restoration of wholeness, victims of crime must regain a sense of personal autonomy. Deprivation of personal power, and being in the control of others was both degrading and dehumanising (Zehr, 1995a:25). Again self-blame was identified as a coping mechanism. Victims of crime expended much energy to identify personal behaviour that might have caused their victimisation. Once identified, this behaviour could be avoided and a sense of control achieved. Victims of child sexual abuse, because of the very nature of the offending, have been unable to blame the offender, usually a family member. The combination of this relationship with the nature of Stockholm Syndrome has ensured that the offender was someone with whom they have had an entrenched relationship.

Zehr (1995a:25) commented that the first step in the recovery process was moving from the recoil phase to the reorganisation phase. In the instance of child sexual abuse, victims must complete considerable recovery before they could begin to challenge the perspective of the offender. Zehr (1995a:20) implied that recovery commenced earlier than this stage by recognising that a recovery process was necessary to move from the initial impact phase to the recoil phase. In this final stage of Zehr's model, victims of crime moved to a point where the offender and the offence no longer dominated their lives (Zehr, 1995a:25). The relationship that existed between the victim of child sexual abuse and the offender because of the effects of Stockholm Syndrome would begin to break down at this point. The victim no longer would assume the perspective of the offender, but would have begun to develop his or her own perspective. This would be extremely hard and difficult work; some victims of child sexual abuse might never fully overcome this relationship.

A Model for Recovery

The first stage of Herman's model for recovery was of establishing safety (Herman, 1997:160). This included any necessary medical care; restoration of biological rhythms; management of posttraumatic symptoms; control of self-destructive behaviours; and mobilising a support system for the victim, such as family, friends, and voluntary self-help organisations. Formal institutions such as mental health, social welfare and justice could be required to establish safety (Herman 1997:160). Many survivors of child sexual abuse established physical safety for themselves when they left the abusive environment. For others, physical safety occurred when the abuse ceased. Some survivors of child sexual abuse were able to mobilise a support network for themselves, which might or might not include counselling, others maintained the conspiracy of silence, drawing on their own resources to survive. Establishing safety was more complicated when the victim was still involved in a relationship with the perpetrator of abuse (Herman 1997:170), as has usually been the case with victims of child sexual abuse. The physical sexual abuse might have ceased but issues of power and control frequently have remained (Herman 1997:171). Stockholm Syndrome has understood that at this stage of the recovery process the psychological separation of the victim and the offender has not yet occurred. The victim, although he or she might have begun to create his or her own perspective, could remain influenced by the cognitive distortions of the offender's perspective.

In this early stage of the recovery process, disclosures and confrontations would not be likely to produce the outcome desired by victims (Herman 1997:171). Any established sense of safety could be undermined by disclosures to some family members. As has been pointed out, various family members could have differing perspectives of the offender, which might or might not be congruent with the experience of the victim or victims. Initiating legal proceedings at this early stage of recovery could similarly undermine a sense of safety and contribute to a revictimisation of the victim (Herman 1997:165). For this reason counsellors have not actively encouraged victims of child sexual abuse to initiate criminal proceedings unless they have reason to believe that there were safety issues for the victim or

others in the family⁴³. However counsellors have reported that at some point in the counselling process victims have tended to raise the issue of criminal reporting⁴⁴.

During the second stage of recovery, remembrance and mourning, the victim told his or her story in detail (Herman 1997:175). Story telling enabled the victim to transform the traumatic memory so that it could be integrated into his or her life story (Herman 1997:175). Story telling would also contribute to the breakdown of cognitive distortions, enabling the victim to establish a sense of self. Listeners could reinforce the development of a new perception and slowly the effects of Stockholm Syndrome would dissipate. Storytelling was followed by a period of grieving for the losses the victim experienced (Herman 1997:188). A common cause of stagnation in the journey of recovery was resistance to the difficult process of mourning (Herman 1997:189). Further complicating recovery from the trauma of child sexual abuse has been the emerging understanding that the abuse was also a crime. This knowledge could well contribute to prolonging this stage of recovery.

Resistance has most frequently appeared in the guise of revenge, forgiveness or compensation (Herman 1997:189). This stage could be identified as corresponding to Zehr's recoil phase, the second stage in his model. In the revenge fantasy, which has arisen from a sense of helplessness, the victim imagined that he or she could negate the feelings of shame and pain through retaliation, restore a sense of power to self and force the perpetrator to acknowledge the harm (Herman 1997:189). These same reactions were referred to in Zehr's model describing the response of victims to crime. During the process of mourning the victim accepted the impossibility of getting even, helpless fury gradually changed to powerful anger, and it was at this point that the victim was more able to continue pursuing justice: to hold the perpetrator accountable for his crimes (Herman 1997:189). In the forgiveness

⁴³ Personal communication. January 16 2001: An Auckland counsellor for child sexual abuse advised that while this is her practice, developed with her supervisors and based on professional ethics, this is not necessarily reflective of all counsellors. She commented that if in the course of counselling sessions she had reason to believe that the offender was a risk to children in the family she would discuss this with her supervisor and if warranted would either contact the police or the Department for Child, Youth and Family.

⁴⁴ The same Auckland counsellor advised that this was a common experience for counsellors.

fantasy, an attempt at empowerment, the victim imagined he or she could overcome his or her rage and erase the impact of trauma through an act of love (Herman 1997:189). Stockholm Syndrome similarly anticipated this paradox, noting that the victim tended to believe the offender would stop being sexually abusive if he or she were given sufficient love (Graham et al., 1994:40). The mourning process enabled the victim to discover restorative love in his or her own life, which did not necessarily extend to the offender (Herman 1997:190). Although the victim might have a disengaged feeling of sorrow and compassion for the offender he or she would have less concern for the fate of the offender (Herman 1997:190). This could be an indication that the relationship, typical of Stockholm Syndrome, was starting to break down. The fantasy of compensation, also an attempt at empowerment, was a legitimate desire to be compensated for an injustice (Herman 1997:190). Mourning was the only way to give due honour to a loss and enabled the victim to pursue claims without ceding any power to the offender (Herman 1997:190).

The pursuit of criminal reporting at this stage would produce mixed results for victims of child sexual abuse. Victims could initiate legal proceedings in this stage of their recovery for a variety of reasons. The desired outcome would be driven by the expectations that a victim might have at this particular time. The success of such action in turn would be dependent on the ability of the criminal justice system to meet these expectations. The victim at this stage would be well advanced on his or her journey of recovery but as I noted earlier, recovery has not been described as a linear journey, but as a circular progress. At any time, events, such as those experienced within the criminal justice system, could cause a victim to temporarily revert to an earlier point in the recovery process.

The third stage of recovery, reconnection with ordinary life, was when the victim could recover some of his or her pre-trauma aspirations, or discover his or her ambitions for the first time (Herman 1997:197). In Graham's Stockholm Syndrome this was referred to as the victim developing his or her own perspective of the world and discarding the perspective of the offender, possibly the only one a victim has ever known. The victim has separated not only physically from the offender but also would be consolidating the process of psychological separation from the offender. The cognitive distortions that have typified the victim of Stockholm Syndrome

would not be as evident as they once were. This is not to say that they could not reappear from time to time in varying degrees: the journey of recovery would continue to be circular in all aspects. Slowly but surely, the psychological separation of the victim and offender would continue.

At this point in the recovery process the victim has recognised that he or she was a victim and has an understanding of the effects of victimisation (Herman 1997:197). The victim would be ready to break the rule of silence, to disclose to family members and to confront the offender (Herman 1997:200). Victims of child sexual abuse would be more able to negotiate the criminal or civil justice system from a position of strength (Herman 1997:210). A significant minority of victims could go on to find a “survivor mission”: they would use their experience as the basis for social action, such as helping others similarly victimised, public speaking, promoting prevention or pursuing justice (Herman 1997:207). These victims could seek or use existing positions to promote public awareness of child sexual abuse. While victims might recognise that a survivor mission was a part of their own journey of recovery they would be empowered by their contribution to a larger struggle, and could believe that holding the offender accountable was fundamental both to their personal well being and the health of the broader society (Herman 1997:209-210).

As has been noted previously the recovery process could be further complicated as victims of child sexual abuse came to terms with the trauma and began to redefine it as criminal activity. Furthermore the responses of bystanders around them could impact on their recovery process. The reluctance or inability of bystanders to reframe child sexual abuse in terms of criminal activity could contribute to the victim’s understanding that his or her experience was not socially validated. This could exacerbate the dilemma that victims face as they contemplate initiating criminal reporting, an issue that was highlighted in Herman’s model for recovery.

Zehr’s model describing the reactions of victims to crime and Herman’s model for recovery were very similar. They both described the reactions and feelings of victims to a traumatic event at the hands of another person. Zehr’s model included the initial impact of the traumatic event itself, the crime, but it was not until the victim moved from the second phase of recoil to the third phase of reorganisation that the first step

of the recovery process began. The first stage of Herman's model assumed the prior cessation of trauma. Zehr appeared to comment from the perspective of an isolated event, a crime perpetrated by one person against another, while Herman's model was more inclusive, incorporating bystanders and the influence their responses have had on the victim.

Neither of these models incorporated the perception of outsiders identified in Graham's Stockholm Syndrome. In the following section I will discuss the influence these people could have on victims of child sexual abuse.

Bystanders and Outsiders

Graham et al. (1994:36) argued that the perception of outsiders was often distorted by a need to believe that if they were in similar circumstances they would respond differently. This perception, which could be described as a coping mechanism, would be incongruent with the perception of victims of child sexual abuse and could serve to minimise the abusive experience. Outsiders could be identified as society, in general, or, more specifically, as those people the victim met as he or she negotiated various societal systems throughout his or her life. For a child this would include adults within the educational system, health care system and other agencies the child might have contact with. As the child victim matured, contact with various societal systems would increase to include the workplace, other organisations and perhaps the criminal justice system. Not all these outsiders would have knowledge and understanding of the complex dynamics involved in the sexual abuse of children.

The distinction between outsiders and bystanders could appear to blur. For instance a schoolteacher could be described as either an outsider or a bystander, dependant on his or her relationship with the child. Similarly, a counsellor providing support to a recovering victim of child sexual abuse could also be described as a bystander. Their contact with a victim might commence as an outsider but as they became more intimately involved they would become a bystander and as such they could be susceptible to the influence of the offender. Chris Goddard and Joe Tucci (1991:7) argued that the emotional and intellectual responses of social workers paralleled the development of Stockholm Syndrome in abused children. Social workers could

utilise the same survival techniques as children when dealing with a potentially violent parent. Interactions between a social worker and an abusive parent could be affected by both the social worker's reaction to a possible threat and the need to protect the child (Goddard and Tucci, 1991:7). In the face of perceived violence social workers could focus attention on the abusive parent and empathise with the social position of the offender, to the detriment of the child (Goddard and Tucci, 1991:7). Other professional bystanders could be subject to the same influences as argued by Goddard and Tucci. If bystanders were not aware of the influence they were subjected to they could not make informed objective decisions regarding the welfare of a child. Similarly such bystanders might be unable to adequately advise and or support adult victims of child sexual abuse. A model for recovery must incorporate these influences and anticipate them.

The models of Herman and Zehr were not mutually discrete but were inter-related and as has been demonstrated both models were informed by the theory underlying Stockholm Syndrome. To summarise this section I will present a framework for recovery that combines the two models of Herman and Zehr with Graham's Stockholm Syndrome. This framework describes the processes that occur for both children and adults as they recover from child sexual abuse.

A Framework for Recovery: Child Sexual Abuse

Informed by adult survivors of child sexual abuse, I have identified a framework of five phases, which has included the process of victimisation followed by the process of recovery. The framework has highlighted the role of both bystanders and outsiders in the recovery process and in initiating criminal reporting, emphasising the very complex nature of the recovery process.

Phase One: This would be the initial impact phase, or the period when the trauma would occur as described by Zehr. In the instance of child sexual abuse this phase could last for a prolonged number of years and would be typified by the establishment of Stockholm Syndrome to some degree or another. Through this phase victims would be in a constant state of hypervigilance. To enable survival victims would minimise or deny the abuse, equate the abuse

with love, focus on self-blame and see themselves through the eyes of the offender. Victims having assumed the perspective of the offender, would view themselves and the world through the cognitive distortions of the offender. This phase would be best explained by the underlying theory of Graham's Stockholm Syndrome. The longer this period might last the more difficult the process of recovery would be. Although it could be argued that this phase was not strictly a part of the recovery phase, if it were not included the informative knowledge of Graham's Stockholm Syndrome would be in danger of being disregarded.

Bystanders or outsiders would be more likely than victims to initiate criminal reporting at this stage. The effects of Stockholm Syndrome would ensure the silence of victims, which could similarly affect some bystanders. Schoolteachers and other adults a child would have contact with would be the more likely source of criminal reporting.

Phase two: This phase would be marked by the cessation of the sexual abuse but not necessarily by the cessation of emotional and psychological abuse. Through this period victims would experience conflicting emotions. They might not yet identify the experience as abusive; they might not have the language to do so. They might still be living with the offender or have regular contact with the offender. To maintain survival, victims might deny the abuse, continuing to view the world through the cognitive distortions of the offender. Although victims might continue to be in a constant state of hypervigilance many could be susceptible to victimisation in other relationships. This phase would be typified by continuing silence and again would be best informed by the theory underpinning Graham's Stockholm Syndrome.

Victims, bystanders and outsiders would be unlikely to initiate criminal reporting in this phase. Sexual abuse would have ceased, and some victims could be sufficiently old enough to physically separate from an offender. Therefore outsiders would be less likely to observe indicators of child sexual abuse as they might in phase one. Victims and bystanders would continue to maintain the conspiracy of silence.

Phase three: This phase would be marked by the beginning of the recovery process as described by Herman. Slowly victims would begin to recognise the experience as abusive. Issues regarding safety would be attended to. If the victim were still living with the offender he or she could take steps to secure separate accommodation. Victims would now begin the difficult and typically long process of psychologically separating from the offender. Victims would make significant steps as they moved from stage one of Herman's model of recovery to stage two. They would begin to challenge the perspective of the offender, which would lead them to seek counselling or join self-help groups. They could be still influenced by the cognitive distortions of the offender but as they moved through the recovery process described by Herman, the influence of Stockholm Syndrome would likely abate.

Victims could well initiate criminal reporting in this phase as they came to understand that the experience was also defined as a criminal offence. Because the psychological separation from the offender would be incomplete, or, at best fragile: the victim could be particularly vulnerable to revictimisation by the adverse reactions of bystanders and unrealistic expectations of the criminal justice system. Bystanders, such as counsellors, might initiate criminal reporting if they had reason to believe there were safety issues regarding other children within the offender's network. This action could undermine the developing trust the victim had in such bystanders, and would pose ethical and professional dilemmas for bystanders who were supporting the victim.

Outsiders, possibly unknown to the recovering victim, might initiate criminal reporting in relation to younger victims they had concerns for. This action would likely provoke mixed feelings for the recovering victim. On the one hand, they might feel pleased that the responsibility for criminal reporting had been taken from them. On the other hand, they might feel guilty that they were unable to initiate criminal reporting earlier. Irrespective of the support they as recovering victims might offer the victim, this new information would serve to disrupt the bond between the recovering victim and the offender. Such interventions, while they ultimately could contribute to the process of

psychological separation, might temporarily trigger victims to revert to an earlier stage of the recovery process.

Phase four: The recovery process would continue as described by Herman. Victims would be beginning to discover their personal strength and power, but they could be still subjected to the “push-pull” dynamics of the mutual bonding between themselves and the offender (Graham et al., 1994:39). They might identify the offender as a victim who needs their help, love and understanding and want to continue protecting the offender. At the same time they would be trying to increase the psychological distance between themselves and the offender based on their understanding of the effects of victimisation. Slowly, victims would move beyond story telling in safe forums such as self-help groups, to seeking opportunities for disclosure to other family members and friends. This step would be significant; they would be breaking the silence and preparing themselves for confronting the offender. As victims speak of their experience they might learn of others who have been victimised by the same offender. As mentioned above, in the earlier phase of recovery this information could provide the intervention that contributes to the disruption of the bond between themselves and the offender. Although the psychological separation between the victim and offender could become more established, the recovery would remain fragile.

The likelihood of criminal reporting initiated by the victim would increase through this phase of the recovery process. The need to confront the offender would similarly increase. Both these actions could undermine the progress the victim has made. Adequate preparation and support of the victim, offender and bystanders could minimise negative effects from a confrontation with the offender. Prior to criminal reporting, a victim would require similar preparation and support but would also require an understanding of the process of the traditional criminal justice system to avoid unrealistic expectations.

Phase five: The offender would no longer dominate the life of the victim who would be surviving and thriving, and pursuing life goals and objectives. The abuse

experience would become more integrated into the life story of the victim. The cognitive distortions of the offender would no longer have the same influence on victims as they did in the earlier stages of recovery. Victimized and non-victimized bystanders would not have been working at recovery as intensely as victims and might not reach this phase at the same time. Although victims would be less concerned with the fate of the offender and have a more developed understanding of the victimisation process, they could remain susceptible to the influence of bystanders. Victims would have come to the realisation that they could not be adequately compensated for the abuse but would want to ensure that the offender could not re-offend. They also could seek some consequence for the offender. This could produce a conflict for victims. On the one hand, victims would be fully aware of the damage caused by the sexual abuse of children and the need to protect vulnerable, potential victims, but, on the other hand, they would not want to be the cause of further harm to their extended family.

Criminal reporting, initiated by the victim, would be most likely at this phase. Victims might be concerned for younger children the offender had access to. They might be seeking validation for the sexual abuse they were subjected to as children. They might feel they were contributing to raising levels of awareness in the community, the “survivor mission” referred to by Herman. Although victims would be able to pursue criminal reporting from a position of power and strength, they could continue to experience considerable pressure from bystanders who might not have yet attained the same level of understanding. As with earlier phases of recovery, victims would continue to need much support if they intended to initiate criminal reporting.

The journey of recovery should eventually enable child sexual abuse to become a part of the victim’s life his[her]story as the victim increasingly gained control over his or her life. It would be impossible to anticipate the length of time it might take adult victims of child sexual abuse to traverse the various phases of the recovery process. The journey of recovery could be an ongoing life journey, one that might never be completed. Not all victims might reach this final phase. The framework that I have presented would provide a greater understanding of how best to anticipate and

meet the needs of victims of child sexual abuse in order to promote recovery and consolidate the psychological separation of the victim and offender.

Given the economic consequences of child sexual abuse that were identified in Chapter 4, interventions that would facilitate the recovery process could also minimise the economic consequences for victims and the broader society. As I interviewed survivors of child sexual abuse, they spoke about what had assisted their recovery and what they had perceived their needs to be. Although these needs varied greatly from person to person, I identified some common themes. If these needs had been met the recovery process could have been facilitated for this group of adult survivors.

The Needs of Adult Survivors

All survivors of child sexual abuse interviewed in this research project had attended to issues of safety. The sexual abuse had ceased either as they matured or when they left their family home. All survivors were engaged in some therapeutic process, either one-to-one counselling or self-help group work. This, combined with their involvement in this project, indicated that they had begun their individual journeys of recovery and had commenced the psychological separation from the offender. All adult survivors were angry at what had happened to them; they were angry regarding the responses of bystanders, and they were angry at the lack of understanding that outsiders displayed. They were frustrated that bystanders and outsiders appeared to have little comprehension of the impact of sexual victimisation on their lives. Throughout the interview process several themes emerged that were relevant to the recovery process. These were the need to confront the offender, the need for financial assistance or compensation and the need for information. These themes were not mutually discrete and I have not presented them in any particular order.

Survivors on Confronting the Offender

All adult survivors of child sexual abuse in this research project talked about what they would say, or do, if they ever had the opportunity to confront the offender. Many recognised they did not yet occupy a position of strength to do so. I asked

Rosalind if she wanted to confront her father in a face-to-face confrontation. She replied:

No, because I would probably want to get up and smash his face. I carry a lot of anger.

Rosalind: Interview 6

Survivors did not initiate all confrontations with the offender. Sarah recalled not wanting to confront her father but the actual decision to do so was taken out of her hands.

It [the sexual abuse] was only confronted [in the early 1960s] because I'd actually tried to commit suicide ... the psychiatrist insisted that they were called. My father knew why he was coming and I have to say at that point that I think he was rather glad. I just got the impression that he maybe welcomed the chance to confront what he was doing. The psychiatrist said to my father, "Do you know why you're here?" He said, "Yes I think so", to which my mother shot out of her chair and said, "It's all her, she's lying, it's all her fault, she did it, it's not his fault, it's all her fault". I just said, "Forget it, that's it, end of interview, forget it", and that was it.

Sarah: Interview 16

Sarah has never forgotten the response of her mother at this confrontation and has lived a great part of her life believing she was responsible for the sexual abuse she has been subjected to. Some 30 years later, after Sarah had been attending counselling for approximately six months, she felt the need to confront her father again. This confrontation was against the advice of her counsellor who had advised that if Sarah felt so strongly about confronting her father, it should be managed in a controlled environment with support people present. Sarah was adamant that she would confront her father alone. She invited him to her home and spoke with him about his sexual abuse of her as a child. Sarah's journey of recovery was in very early stages and she appeared unable to withstand her father's denial structure.

I can't forgive him. He's not sorry. He said when I confronted him [years later in 1996] that he was sorry he ruined our relationship, but not that he's sorry he did it.

Sarah: Interview 16

At this confrontation Sarah's father told her that he had sexually abused her from the age of 18 months. He did not acknowledge responsibility and blamed Sarah for the abuse. She was unable to counter his arguments and described a feeling of total powerlessness. Sarah reported she was devastated by this confrontation and extremely disappointed in how she had handled it. Sarah's father had been maintaining his denial structure for more than 50 years and Sarah had only just begun the process of deconstructing his structure of denial.

If confrontations have been early in the recovery process, survivors have appeared less equipped to cope. Survivors recognised this and sometimes opted for a less threatening form of confrontation. Gwyneth confronted the offender by telephone.

It [the confrontation] was actually a very painful experience because he wasn't prepared to listen to what I had to say, and he wasn't prepared to admit anything. Oh, he admitted it, but he said it was all my fault. To hear his admission was good, but I wasn't good enough to deal with the fact that he was still able to accuse me ...I wasn't prepared for that, I was so unprepared for that. And of course when he started saying to me, "But you made me do it", I didn't have the strength ... I got angry ... I didn't say, "I didn't make you do it". I defended myself. But what happened to me in the process, inside, was very painful. It made me so angry. I was engulfed in this anger. How can he say that? I wasn't ready to deal with that, I took it all on, took it all on board.

Gwyneth: Interview 21

Although Gwyneth had chosen a form of communication over which she had some control, her inability to withstand the offender's denial structure has been no less apparent.

Sharon was well supported by her mother when she confronted her offender. She had previously disclosed to her mother that her brother had sexually abused her throughout her childhood. Sharon's mother had to cope with the knowledge that not only had her daughter been sexually abused as a child but that her son, older than Sharon by some 8 or 9 years, was the person responsible. No doubt she needed to make sense of this and initiated a confrontation between herself, her son and her daughter. Sharon had not wanted to confront her brother who had abused her for some 7 years from she was about 5 years old.

She [Sharon's mother] said that she felt that at some point that we would all have to confront and discuss this. I was very anti, because he [Sharon's brother] had said to me, "If you ever tell, I will never speak to you again". I didn't want mum to confront him. If there was any chance of us having that brother-sister relationship I didn't want it blown by mum telling him that she knew. Well anyway she did, Christmas of '89. I was absolutely devastated of course. He called her everything, he verbally abused her for an hour. I was there walking around the section, huffing and puffing, shaking and goodness knows what else. She asked him outright. He lied and said, "No, I never did that." She kept on and on at him, and she said just by his body language, and the way he was defending himself, he was lying, and she said to him, "I know you're lying." He burst into tears and said that he did it. She asked him why. He said, "I was young I didn't know what I was doing." Which is to me a total lot of crap, 'cause otherwise he wouldn't have said to me, "Don't tell, don't tell, you can get me into heaps of trouble." So he knew that it was wrong. Now Mum was with him maybe an hour and a half and then it came for me to confront him. He came up to me and shook my hand and said, "Let's call it a truce, I never want to discuss this again, the past is the past." I was that upset that I didn't get to have my say ... he didn't let me have my say 'cause he ended it. That really got to me, that's what really hurt. I managed to get some words in, I said to him at one stage, "You don't realise what you've done to my life, you don't realise how this has affected my life." He said, "You're responsible for your own actions, I didn't make you do the things that you've done, and I didn't make you put Mum and Dad through hell with the things that you did. Don't you realise by blowing this up into a big issue, what you can do to my life?" That just blew me ... I was just silent after that. I didn't want to speak about it, nothing. Because here I am saying, "Hey, hey, what about me", and he's, "What about my life, you could ruin my life", and I'm like "You've ruined mine, how can you justify that, you totally ballsed mine up." I've had one kid and I was due to have one shortly after that, which I didn't know about at the time, and here he is saying that to me, and I was like, you bastard. Those are the things that still tick me off ... not letting me have my say ... his life is more important than mine.

Sharon: Interview 14

Having the support of her mother did not lessen the impact on Sharon of confronting the offender. Sharon was unable to tell the offender of the impact his actions have had on her life. She was denied the opportunity to tell her story. The offender did not take responsibility for his actions and neither did he acknowledge the harm he had caused, which was what Sharon had wanted to hear. He was more concerned for the impacts on his life.

For some survivors confrontation was not possible. They no longer had contact with the person who sexually abused them in childhood. Kim was sexually abused by a student teacher, boarding with her family. As an adult she has invested time and energy in attempting to locate him. She has checked phone books, electoral rolls and has spoken to people who knew him. If she located him it was her intention to confront him. Kim not only wanted to confront the person who sexually abused her, but because of his occupation she wanted to make his colleagues aware that he had sexually abused a child.

[When I find him I will] *confront him ... Get him to admit what he did. If he's still in the education field or anything to do with kids I want [his] colleagues to be aware of it [that he sexually abused Kim as a child].*

Kim: Interview 1

Confrontations that appeared to hold all the elements of success did not necessarily provide the outcomes a survivor was seeking. Anna had a support network of family present, some of whom had been sexually victimised by the same offender. Furthermore the offender admitted that he had sexually abused her. Anna was unsure of what she was expecting from the confrontation.

When my brother and I told our parents we had been sexually abused by our uncle through childhood, our father organised a family confrontation with the offender and his family. We were not the only victims in the family and they were there that day. My husband was with me and I felt well supported. I was surprised at how nervous I felt, I was shaking so bad. He said he had sexually abused my brother and me and that he was sorry. He said this to Mum and Dad, he didn't say it to us. But at least he said it in front of a room full of people. I felt so relieved, it hadn't been my imagination, I had not dreamed it up. So many times I have said to my husband, "He did say he did it, didn't he?" It is so validating for me as a person that he has admitted to sexually abusing me in front of a room of people. He didn't make any excuses for himself. But after he left, it became clear to me that his family didn't want us to go to the police. I felt like a sacrificial lamb being slaughtered to save their good name. No one, apart from our parents, was concerned about the impact on our lives. I felt second-class, as though I wasn't as good as them ... that they were more important than me. His family assured us that they would seek counselling for him, but we had no way of insisting or enforcing that he actually did this. So many times since that confrontation I have thought I would like to do this again, but this time I would want some legal structure

to a confrontation. I would want him to hear what impact his actions have had on my life. My brother's wife wrote the offender a letter telling him how his offending had affected my brother. If I could go back and change that initial confrontation with the offender, I would like to be better prepared ... for everyone to be better prepared. My support people would have a clear idea of what I wanted to say and why. They would then be better able to support me. I would want some formal structure to the confrontation so that any agreed outcomes of that confrontation would be carried out ... it wouldn't be left up to the offender to do it if he wanted.

Anna: Interview 11

Although Anna said she felt validated by the offender's admission, it was not until after the confrontation, after she had reflected on the process, that Anna could begin to define for herself what she would have liked to have had happen if she had the opportunity to repeat the experience.

All survivors spoke about confronting the offender; some had done so in face-to-face situations, or by telephone or letter. A confrontation with the offender appeared to frustrate survivors more than it validated them and in some instances it had caused further victimisation. The denial system that the offender had constructed over years of offending seemed impossible for survivors to break down. The responses of bystanders varied; some were supportive, and others had constructs of denial similar to that of the offender. Despite the frustrations, a confrontation with the offender appeared to be an integral component of the recovery process for adult survivors of child sexual abuse and was one that all survivors spoke about at length. A carefully planned confrontation, facilitated by a person with specific training in this area could produce different outcomes for all parties. However, this would require substantial preparation for all those involved.

Financial Assistance

Herman (1997:190) commented that the need to be compensated for an injustice was quite legitimate. Zehr (1995a:26) similarly understood that victims experienced a financial burden and acknowledged that compensation could promote the recovery process, albeit symbolically. Both writers agreed that compensation could never adequately compensate victims. All survivors of child sexual abuse commented that the financial burden for them at times has been substantial. Of the 21 survivors

interviewed in this project, 15 had accessed the Accident Compensation Corporation (ACC) for funded counselling. Six survivors had not accessed ACC funded counselling for the following reasons. Two survivors were not eligible for ACC funding as the abuse occurred prior to taking up residency in New Zealand. One survivor would not access ACC funding; she believed that as she could afford to pay for counselling she should do so. Another objected to making application to ACC on the basis that the sexual abuse she experienced throughout her childhood and adolescence was not an accident. One survivor reported that she was unaware that she could have accessed ACC funding. The remaining survivor has not yet felt the need to have one-to-one counselling. Those survivors who were receiving ACC funded counselling at the time of the interview commented that they were unlikely to be able to afford further counselling once their allocated hours were depleted. All survivors attending counselling did not believe the allocated hours from ACC would be sufficient to enable them to describe themselves as surviving and thriving. Although survivors were not specifically seeking compensation for losses from offenders they acknowledged that compensation by the offender would assist with ongoing counselling expenses and would be one way that offenders could demonstrate that they were responsible and accountable for their actions.

Only four survivors indicated they had made a successful application to ACC for a lump sum payment. The ability to apply for lump sum compensation was removed with the introduction of the ACC Act 1992. The remaining survivors, who were eligible for ACC funding, had only started to pursue funding for counselling since the change in the law. There were expressions of frustration that they had not applied prior to the cut off date related to the law change. Many survivors rationalised this by saying that perhaps it was just as well; they might feel they were being paid for services rendered which might add to the trauma of the sexual abuse. It appeared that in earlier stages of recovery this perception was very real for survivors but as the journey of recovery progressed the perception has seemed to alter. As the survivors interviewed in this project discussed the issue of lump sum compensation, a sense of discomfort was apparent. There was a distinct reluctance to state outright that they would welcome such compensation. As the discussion progressed and survivors became more confident with the interview process they implied that compensation would be welcomed.

In 1997, some years after the interviews were completed, a law firm ran an advertising campaign advising that some people could be eligible for ACC independence allowances, if they had suffered injury from an accident that incapacitated them in some way. This included child sexual abuse. The law firm offered to pursue claims on a contingency basis: that is, an applicant would only be liable for legal fees if a claim were successful. Two survivors took up this offer and were eventually assessed early in 2001. One survivor was assessed with a 10% impairment, the other with a 15% impairment. The payable allowance was calculated as a percentage of the maximum assessment of \$61.68 per week. Both survivors believed this represented some recognition of the impacts child sexual abuse has had on their lives.

Of the survivors interviewed in this project only two have pursued civil action seeking compensation. Roger (*Interview 10*), sexually abused by a foster mother, was at the time of the interview preparing a civil case against the Department for Family and Child. As the case was *sub judice*⁴⁵, he was unable to disclose any more information. Robert (*Interview 2*) did not believe he could be fully recompensed for the losses he had sustained and “...in the absence of a sense of justice from the criminal justice system...” he was seeking a more symbolic compensation for the abuse he had experienced throughout his childhood. The endorsement of the court to the agreed settlement further validated the sexual abuse Robert had been subjected to. Two other survivors interviewed in this project commented that they would take civil action against the offender if they could afford it. The costs related to a civil suit, an average of \$30,000 per case⁴⁶, put it beyond the means of most, despite any ability to access legal aid.

Zehr (1995a:26) noted that surveys of crime reviews usually indicated that other needs were more important than compensation for material losses. This might be true. However victims of child sexual abuse could be reluctant to comment truthfully

⁴⁵ “A rule limiting comment and disclosure relating to judicial proceedings, in order not to prejudice the issue or influence the jury...” (Martin, 1997:449).

⁴⁶ Personal Communication with Antonia Fisher, a Partner of Brookfields Lawyers, Auckland City, 1995.

on their need or desire to be compensated in a material sense for abuse perpetrated on them in childhood. This might be further compounded by a perceived stigma attached to receiving recompense for sexual abuse throughout childhood, particularly if victims were commenting from an earlier stage of recovery. Based on my discussions with survivors of child sexual abuse, I have concluded that as survivors came to understand that they were not responsible for the sexual abuse, and if this were reflected in societal attitudes, they would indeed make application for compensation and financial assistance if it were available.

Information

Among the needs that Zehr (1995a:26) found to be highly ranked among surveys of crime victims was the need for answers, for information. Without exception each survivor interviewed in this project exhibited a need for information and knowledge regarding their personal experience and child sexual abuse in general. Zehr (1995a:26) argued that for victims to effect healing they must find the answers to the following six questions.

*What happened?
Why did it happen to me?
Why did I act as I did at the time?
Why have I acted as I have since that time?
What if it happens again?
What does this mean for me and for my outlook (my faith, my
vision of the world, my future)?*

(Zehr, 1995a:26-27)

Throughout each and every interview the survivors interviewed in this project asked questions similar to those outlined by Zehr. Survivors of child sexual abuse needed to know what had happened, why it had happened and why it had happened to them. The process of counselling and group therapy provided survivors with information regarding the dynamics of child sexual abuse. This appeared to reassure them that they were not responsible for the actions of the offender. In turn this seemed to alleviate feelings of guilt, encouraging survivors to direct their blame to the person who had sexually abused them. Some survivors identified that the offender had been a victim of some sort of child abuse. When Sharon's brother told her he had been sexually abused as a child, she felt a sense of relief. She had an explanation.

[His] apology didn't really do much, it didn't uplift me, but when he told me he was abused, that was it, I was like, it was like this massive weight off my shoulders, it was like, ah, I can see why you did it, so I was sort of blaming him, but there's the other part of me that doesn't blame him, 'cause it's gotta start somewhere, that's what I could never figure out, why me?

Sharon: Interview 14

Survivors seemed at a loss to explain to themselves why they had acted the way they did at the time, neither were they were able to explain their responses since that time. The Stockholm Syndrome could have provided information to them regarding their responses. This syndrome has been discussed with survivors informally outside of the interview context. Sarah (*Interview 14*) commented that it was as though the light had been turned on for her. She could now make sense of her reactions and her continued reluctance to report the child sexual abuse to an investigative authority. This information might have alleviated feelings of guilt for other survivors of child sexual abuse. It could have exonerated them from any self-perceived complicity. As Zehr (1995a:27) commented, such information might provide victims with “an entrance on the road of recovery” and that without answers, recovery could be difficult.

From the information provided by adult survivors of child sexual abuse, three common themes were identified, which, from the perspective of adult survivors of child sexual abuse, were particularly relevant to the recovery process. These were confrontation with the offender, financial assistance and the need for information. By confronting offenders, survivors were breaking the conspiracy of silence and starting the difficult process of deconstructing elaborate constructs of denial that have served to minimise sexual victimisation. Given the economic consequences of child sexual abuse, it was not difficult to understand the need for financial assistance. However, compensation, albeit symbolic, appeared to provide a sense of validation to some survivors of child sexual abuse, reinforcing that the victimisation they had been subjected to was not condoned by all sections of society. Information regarding child sexual abuse and their specific experience of victimisation encouraged survivors to understand that they were not responsible for the sexual abuse. Achieving this level of understanding appeared to be a major step on the journey of

recovery. Having these needs met would have facilitated the recovery of survivors and better supported them as they dealt with the aftermath of child sexual abuse. Further it could contribute to an experience of justice.

Conclusion

The review of the recovery process highlighted that victims of child sexual abuse would eventually seek closure to the victimisation they have been subjected to. Included in the need for closure was the need to tell their story, the need to restore relationships with bystanders, the need to educate outsiders regarding the complexity of the issues, and, finally, the need to experience a sense of justice. Although much recovery has occurred before victims of child sexual abuse could seek a sense of closure, meeting the needs of victims could effectively enable the journey of recovery to progress more efficiently thereby minimising the far reaching psychological and economic consequences this form of criminal activity has had on victims, their families and the broader society. Through the voices of survivors, I identified that these needs could include confrontation with the offender, compensation and information and could be encapsulated in what has been referred to as a sense of justice.

Stockholm Syndrome would anticipate that as the bi-directional relationship between victim and offender began to break down, and as the victim began to psychologically separate from the offender, he or she would be more likely to disclose to bystanders. A natural progression could be to consider criminal reporting, particularly for those victims who have learned new information about the offender. This could also be identified as a need for closure. Victims of child sexual abuse must overcome powerful influences to initiate criminal reporting of historical abuse. The response of societal systems, such as the criminal justice system, has further impacted on the recovery process of those victims. In the next chapter I will determine the understandings and expectations survivors of child sexual abuse have of justice, and identify if their needs could be better met within alternative frameworks for justice.

Chapter 8

Adult Survivors and Justice

Introduction

The previous chapter suggested that experiencing a sense of justice could be central to the recovery process of victims of child sexual abuse. The emerging understanding that child sexual abuse was a crime, combined with a need for closure, has appeared to motivate many victims to criminally report historical child sexual abuse. If the needs of adult victims of child sexual abuse could be met in such a way that victims could experience a sense of justice, the psychological and economic consequences of child sexual abuse might be minimised. Given the complexity of the recovery process it would seem unlikely that traditional criminal justice systems could meet the needs of victims of child sexual abuse to the extent that a sense of justice could be experienced.

“The former Deputy Minister of Justice of Saskatchewan, Brent Cotter QC, once complained that the criminal justice system encourages you to deny responsibility and hope you might get off ” (McElrea, 1998b:4). Offenders, supported by bystanders, have responded to criminal charges by actively attempting to avoid guilty convictions, which might carry a sentence of imprisonment. Defence lawyers have used everything at their disposal to minimise the criminal offending of their client in the hope that they could minimise any consequences imposed by the courts. The different perspectives held by victims, offenders and society in relation to their understandings of justice have created a tension within the criminal justice system that has served to revictimise victims.

In this chapter, through the voices of adult survivors of child sexual abuse I have explored their perceptions and experiences of the criminal justice system, their understandings of justice and have determined whether a sense of justice would be central to their recovery process, as was suggested in the previous chapter. I have

continued by identifying the changes survivors would make to the existing criminal justice system so that their needs might be met, thereby providing a sense of justice. I will commence this discussion by relating the responses survivors made regarding criminal reporting.

Survivors on Criminal reporting

Initiating criminal reporting was an action that adult survivors had thought about. Many had discussed the possibility of criminal reporting with counsellors or participants within self-help groups. When I asked survivors if they had reported the sexual abuse to the police the silence was deafening. They had not. I therefore asked survivors why they did not report sexual abuse to the police. Many appeared to have no confidence that they would not be revictimised by the criminal justice system.

It's a non-option because I think it would be almost like deciding to traumatise myself further ... the witness, or the victim, doesn't have a place within the justice system. They don't have rights ...they don't have a part in what's going on. They're merely a witness.

Celia: Interview 8

Damage is done by the process ... the blame is all on the victim it seems to me ... they don't say things like it wasn't your fault, you didn't do it or it was wrong of him ...

Sarah: Interview 16

I don't think the legal system is the right way to do it. I don't trust them. Why should we have to be revictimised ... we deal with this all our life.

Gwyneth: Interview 21

Survivors seemed to fear the reaction of the offender and other family members and, given the outcomes of confrontations that survivors have spoken about, they were, perhaps, justified in these feelings.

Going through the court system, your whole life changes, your whole family changes.

Tracey: Interview 17

I would feel exposed ... I realise just listening to my body at the moment that the very thought of it, even though it's hypothetical,

there's this residue of fear of somebody getting me from behind because they got mad at me, when they found out that I hadn't done what they wanted. I'd expose my parents to knowing what they couldn't bear to know. They did their utmost to make sure that nothing like that ever happened to us. Mum had been hurt when she was little. So she made sure that we never met the uncle that hurt her, ever. I never laid eyes on the man.

Belinda: Interview 12

This did not stop Belinda from thinking about criminal reporting and how this might feel for her.

One of the ways I have of coping with the way I lived was to have several different bits of myself. They don't all agree with each other, which is half the reason for feeling very crazy under stress. One part of yourself urging, wouldn't it be wonderful to be allowed to stand up there and say, "this is what you did, this is how it felt, this is what happened to me because of this, and you're not allowed your say at the moment, this is my turn". It would be lovely, but the instant I think of it, before I've even got time to complete the visualisation of it...

Belinda: Interview 12

Belinda was unable to continue. She said the thought of initiating criminal reporting was too frightening to contemplate any further. According to Stockholm Syndrome the powerful bi-directional relationship that has developed between the offender and the victim would render the victim unable to separate his or her needs from those of the offender. Fear of the offender's reaction seemed to be too great for many survivors. It seemed that the closer the familial relationship was between offender and survivor the more difficult it was to report sexual abuse to the police.

Many survivors of child sexual abuse attempted to protect their family from the existence of sexual abuse and the trauma of criminal reporting.

Had he not been family I think I probably would have pursued it, because what have I got, my parents would be upset. If it was an uncle or a cousin or something like that, I probably would have thought about pursuing it, but because he's my brother and the only brother I have, and we're a small family, I mean there's only four of us, no, just too destructive, not on me, but on my Mum.

Sharon: Interview 14

The consequences of criminal reporting, imprisonment, could act as a deterrent for some adult survivors of child sexual abuse. Imprisonment has removed people from society, with the aim of punishing the offender and protecting potential victims. This protection might last only for the duration of imprisonment. Although offenders have been removed from society they have been placed in a subculture where they could have the opportunity to gain new skills. Eventually offenders must be released back into society. They could have a new set of living skills, which might not be directed at reducing their offending or changing their patterns of behaviour.

They learn new ways of not getting caught, which is revolting.

Celia: Interview 8

Survivors were adamant that they wanted to see some sort of intervention put in place to minimise the risk that offenders represented to vulnerable children. They needed to know that efforts were being made to reduce the opportunities for similar offences to occur (Zehr, 1995a:28).

There has to be some law, or something that says they [offenders] have to go through some sort of set procedure. It doesn't become their choice ... they [offenders] shouldn't have that choice, it should be compulsory ... so that once they are identified as being an abuser, then they have to go through some set programme, not you can go to it if you want to. A compulsory therapeutic intervention of some description is the way forward. I strongly feel that people abuse as a result of some underlying problem – this is not solved by imprisonment. I think that if people thought they weren't going to go to prison ... they would be more open to admission of the problem.

Gina: Interview 4

Well I don't think jail is the right place necessarily ... they should be forced into therapy. Because I don't think they really understand what they've done.

Carol: Interview 7

I think that making them, forcing them to understand themselves, their abuse, and the pain that they've caused is something that is vital ... I don't think throwing anyone into prison is really going to do a hell of a lot. [Although] there are certain people that you want off the street.

Karen: Interview 18

But I also think that if children thought they were going to be believed and they were, if they thought what they said was accepted

or going to be accepted as true, I think they would be more inclined to say something about it.

Gina: Interview 4

Survivors might have found it difficult to report historical child sexual abuse to the police on their own behalf but when it came to protecting potential victims they were not so ambivalent. All survivors who were victimised by a family member never allowed their own children to be unsupervised with the offender. Many survivors reported that although they had not criminally reported, they had taken action to protect other children.

I tried to make them [Tracey's brother and wife] aware. I tried very hard. My brother's daughter used to go around there a lot. He said "I'm sure it's all over now." They didn't want to know. But this was his daughter. My son knows about it, my daughter knows about it [that Tracey was sexually abused throughout childhood by her father].

Tracey: Interview 17

After Gwyneth's foster mother died there was a spate of young girls being attacked or approached in the small town where her foster father lived. Gwyneth was afraid that this offender might be her foster father.

So I rang the police. I gave them his name, his address, the situation, that he was living on his own, he had no one to be accountable for, that he liked his drink, added it all up, told them that he had been a paedophile, that he had sexually abused both me and my sister, and gave them my name and address and I never heard another thing from them.

Gwyneth: Interview 21

Gwyneth never found out if this particular offender was her foster father but the reports of attacks against young girls stopped.

To ensure that I interviewed survivors who had experienced the criminal justice system I actively sought them out through various helping agencies. Even so, I was not inundated with people who had reported historical sexual abuse to the police and

who were willing to discuss this experience. Of the 7 survivors (4 female, 3 male)⁴⁷ who had criminally reported, their reasons for doing so fell into two categories. The first was to protect younger family members.

I guess I felt like, that her son [my stepbrother] was at risk, and that [his safety] was important to me.

Cindi: Interview 20

The second reason for initiating criminal reporting appeared to be as a response to learning that the offender had sexually abused others.

When I found out that I was not the only person sexually abused by my uncle, I had some very confusing feelings. Overriding this confusion was a very strong feeling of guilt. I was the eldest victim. I couldn't help wondering if I could have avoided the others from being sexually abused if I had only told someone when it was happening to me. Slowly I came to the realisation that I was only a child back then too, that as a child I did not have the skills, the ability or the voice to tell anyone what was happening to me. But now I was an adult. I did have the skills, I did have the ability and more importantly I did have a voice. I realised that I couldn't live with myself if this offender sexually abused another child and I had done nothing as an adult to stop him. I reported him to the police ... if the "system" couldn't stop him that was not my fault. I had done all that I could.

Anna: Interview 11

Both these reasons would be anticipated by Stockholm Syndrome. To report historical sexual abuse to the police, the survivor must overcome strong feelings to protect the offender and other family members. The reason for criminal reporting must be stronger than the reason for not reporting. The survivors quoted here seemed to feel a sense of responsibility for protecting younger potential victims. It was not quite so clear as to why survivors were more able to report an offender when they learned there were more victims. They might have felt exonerated of any complicity. Alternatively, low self-esteem might have encouraged survivors to accept the silence for as long as they believed there were no other victims. However, it could be that survivors, such as Anna, had been subjected to the influence of Stockholm

⁴⁷ Although I had criminally reported, I have not included myself in this count. Therefore 7 of the 21 survivors interviewed had criminally reported to the police.

Syndrome. This would predict that victims would require an intervention of some sort to act as a catalyst before they could begin to break down their perception of the offender.

Adult survivors of child sexual abuse had seriously considered reporting historical child sexual abuse to the police, and many have continued to consider criminal reporting as an option that could be available to them in the future. As with the confrontation of the offender, criminal reporting appeared to be an important component of the recovery process, contributing to the sense of closure and justice that survivors of child sexual abuse seemed to need. Many survivors said that although they frequently thought about initiating criminal reporting, they were sure that the criminal justice system would not provide them with a sense of justice. This perception could be justified. Survivors who told their stories in relation to court proceedings indicated that the criminal justice system had not met their needs; neither had they achieved what they had hoped for.

Survivors on Court Proceedings

Within the interviews undertaken in this project there seemed to be an enormous sense of “unfinished business” even with those survivors who had either confronted the offender or taken some sort of legal action. This could best be described as a lack of closure. Herman (1997:175) and Zehr (1995a:27) both argued that victims of crime needed opportunities to tell their story, not only to other victims of similar crimes but within forums where they could express their feelings, their fears, their truth and be validated by others. This seemed to be true of many survivors. Those who opted to report to the police, thereby initiating court proceedings, did so believing they would have an opportunity to tell their story. This was not always the case.

Belinda did not have first hand experience of the court system but had supported a friend through this process. Although her understanding of this system was from the perspective of her friend’s experience, it would have influenced her perception of court procedures.

They didn't get to tell their story ... when he [the offender] was taken to court, he pleaded guilty, which saved them [the victims] being cross-examined ... it also meant the judge never got to hear their story, they actually never got the chance to go in the stand and say "this is what this man did" ... it was a relief not to have to go on the stand, but, on the other hand, they still felt cheated.

Belinda: Interview 12

The adoption of various legal strategies could similarly deny victims the opportunity to tell their story. In the case of Anna and her brother, legal strategy, which could avoid the necessity for them to give evidence, seemed to be presented as though the defence was attempting to do them a favour.

At one of the hearings in the local district court, the policeman in charge of the case told us that my uncle's lawyer had just informed him that it was their intention to plead not guilty and apply to have the case moved to the High Court. Once that happened they would enter an argument of abuse of process on the grounds that the charges were too old for the offender to mount an adequate defence. If that argument were successful it would result in a stay of proceedings. If it were unsuccessful my uncle would plead guilty so that the family would be spared the trauma of a trial. It was at that point that I realised I would not come to understand or experience justice in this system. I would not be able to tell my story.

Anna: Interview 11

This case was further pursued through the civil jurisdiction of the High Court. Anna and her brother were again denied the opportunity to tell their story.

My uncle pleaded not guilty in the criminal court and eventually after a successful argument of abuse of process a stay of proceedings was granted. He told the police in his statement that he was aware of the charges made against him but due to the passage of time he had no memory of the events. In the subsequent civil action taken by my brother two years later, in a hand up statement to the judge, he admitted to the charges, apologised and threw himself "...on the mercy of the court". How can he be not guilty in one court jurisdiction and guilty in another? I understand that this is the way our justice system works, but to me it's simply telling lies, legally endorsed by our justice system.

Anna: Interview 11

The legal strategies that were utilised by the defence counsel in the two separate jurisdictions not only denied them the opportunity to tell their story, but also further undermined any sense of closure or justice for both Anna and her brother.

Survivors who were able to give evidence in court did not always get the opportunity to tell their story. The process of cross-examination frustrated survivors. Cindi spoke of how she was unable to complete sentences and was required to give only “yes” or “no” answers. She said at times these answers were taken completely out of context and she was not allowed to give fuller explanations.

I really felt like I was being interrogated ... as though I had been guilty of something. I felt that all the focus was on me to prove it. I honestly thought he should have been the one who was the focus of the interrogation. I thought he might be able to not give evidence, and that I was up there having to say all this really personal, horrible stuff, and he was maybe not going to have to say anything at all...

Cindi: Interview 20

The lawyer representing Cindi’s father focussed on attempts to prove that she and her two sisters had presented evidence on the basis of memories recovered through counselling. This case, heard in September 1994, initiated debate in the media related to recovered memories. Cindi and one of her sisters had suppressed some memories of being sexually abused through their childhood and early teenage years, but had not suppressed all of them. In their mid teens the suppressed memories emerged and were dealt with by attending counselling. A third sister had continual memories of sexual abuse. She had never suppressed the memory, neither had she ever forgotten.

Cindi believed that her father, not eligible for Legal Aid, paid approximately \$100,000 for his defence. By contrast, in her opinion, the crown prosecution appeared under resourced and ill prepared to present a case against such an opponent. Cindi’s sister, also a lawyer, considered requesting an adjournment of the trial because she did not believe the prosecution were sufficiently prepared. The prosecution’s preparation included an interview with the three sisters, 20 minutes per victim, followed up by another 15 minute interview with all three sisters in attendance. The defence called for a physical examination of the three women a

week before the trial. The court advised by letter that their father had requested a physical examination by a doctor of his choice. As the designated doctor was a male, Cindi and her sisters felt unable to comply with this request. They were advised that while the court could not order them to comply they could be asked to explain this in court. The defence used an expert witness, as did the prosecution. The expert witness for the prosecution interviewed Cindi in a public area of the High Court. This interview, which lasted 5 minutes, was intended to establish the nature of the sexual abuse that Cindi had experienced as a young child and the subsequent impact this had on her life.

I just felt that was the extent of our preparations in comparison to him having all that money and power ... basically it was really unfair ... it should be more equal ... he's got a lawyer that costs \$100,000 ... it just isn't fair to have a prosecution [who] spent two hours on the case.

Cindi: Interview 20

Cindi's father was well supported in the courtroom not only by family members but also by Dr Felicity Goodyear-Smith and other members of Casualty Of Sexual Allegations (COSA). Cindi said that by comparison she did not feel well supported. The jury found the offender not guilty and the case was reported in the media as based on memories recovered through the counselling process. This was simply not true. Cindi was deeply traumatised by the experience and frustrated that the truth did not come out.

Susan, a health professional, found herself as a juror for a trial brought on behalf of a 14 year old girl. This experience prompted Susan to comment:

This justice thing, is all random.

Susan: Interview 3

At the age of 12, Sally alleged that her Aunt's boyfriend had indecently assaulted her. She had known this man since she was 4 years old and had come to think of him as a father figure. As a 7 year old, Sally had been raped by a person unrelated to the current charges. Although she had disclosed the abuse, she was disbelieved up until the point someone saw the offender in the act of assaulting her. The offender was

charged, found guilty and sentenced to prison. He had been released by the time Sally, now 14, appeared to give evidence in court for this trial in mid 1995.

So Sally got there [to court] being believed by all these professionals and believing her counsellor who had told her when anything like this happens again she must say. Sally believed all these professionals and believed that if the police believed her and everyone else [believed her] that some sort of justice would have been done. And so she came with high expectations I think.

Susan: Interview 3

Susan believed that lack of knowledge regarding child sexual abuse hindered the jurors in their deliberations. She said they were unable to interpret the evidence and determine if evidence was being manipulated. Susan said that the defence lawyer, who specialised in defending sexual offenders, used the fact that Sally was affectionate towards the offender as proof that the alleged offender could not have sexually abused her. He claimed that if the alleged offender were sexually abusing her she would not have been affectionate towards him. Jurors believed this and were unable to accept that this behaviour could be consistent with that of a child who had been sexually victimised. One juror reportedly commented during deliberations that “...it didn't really matter because she wasn't a virgin anyhow”. Susan felt she had to keep reminding her fellow jurors that Sally was not the person on trial.

This girl ... was utterly consistent ...absolutely consistent, her behaviour was consistent and I believed her. And so, then we came to a stalemate and people started shouting and we had a lot of emotion and anger and frustration ... the electricity in the air was just dreadful. The person who needed to chair didn't chair. It became a free for all. This is justice we're talking about.

Susan: Interview 3

Susan believed that Sally's previous victimisation was used against her both during the trial and during the jury's deliberations, as was her age. The jurors appeared to have difficulties in determining the meaning of the term “beyond reasonable doubt”, despite the judge urging them to use common sense. Susan said they were unable to work through the evidence and apply what she considered were common problem solving methods that could enable them to come to a decision as a group. There were

no directions or support given to them as jury members with respect to group decision-making or group problem solving.

It was very obvious that they [fellow jurors] had no problem solving processes, and it was so frustrating to see this little girl wanting justice and depending on the uninformed, lazy [jurors] because it was a form of laziness. [In the deliberations it] started to come out that we couldn't send him to prison, not really, because we know what they do to sex offenders in prison ... that had nothing do to with our deliberations.

Susan: Interview 3

Susan commented that the jurors' inability to engage in the evidence might have been because of the very disturbing nature of the material they had to review.

It was too hard for some people ... they couldn't do it ... so they just didn't do it.

Susan: Interview 3

The jury, comprising of 5 women and 7 men, were unable to return a verdict. A retrial was ordered and the jurors were released to go home. As they were waiting outside the court for transport home, the defence lawyer moved among the jurors attempting to determine how individual jurors had voted. Susan said she felt so frustrated by the trial and jury experience, that the next morning she phoned the Crown Prosecutor and spoke with him. She was able to inform him of what she thought were the weak links in his prosecution by relating it to what had taken place in the jury room. Susan was concerned that it might have been inappropriate for her to take this action, but she was informed it was not. However, it would be illegal for the prosecutor to contact jury members after the trial. Susan felt strongly that more evidence had been needed, of an educational nature, to better inform jurors regarding the sexual abuse of children. She was surprised to learn that all prosecutions were contracted to law firms. She noted that the defence lawyer was a specialist in defending sexual offenders and that the contracted prosecutor might not have a similar level of expertise. Susan said she was concerned that the jury system was the weak link among a number of professionals, judges, lawyers, expert witnesses and counsellors, some of whom have encouraged victims to report criminal activity.

Sandy spoke of her experience from the perspective of a mother supporting a young child who was sexually abused by a crèche worker. As the mother of two preschool age children, she found the expense of attending meetings for the parents of children allegedly sexually abused whilst at the crèche, a never-ending drain on financial resources. These meetings were intended as the forum for parents to be updated on the investigation, police actions and anticipated court proceedings. They were also intended to enable parents to better support their children. Both Sandy and her husband were in full time employment and it required that one of them had to attend the meeting, while the other cared for the children at home. Sandy felt torn between attending meetings and being there for her daughter. They were not eligible for a childcare subsidy and very quickly depleted any holidays owing to them. These difficulties were further compounded during the trial. One parent was required to support their daughter prior to her being called to the stand to give evidence, and the other wanted to be in the courtroom to hear the proceedings. During the court case, if both parents wanted to be in attendance, they had to rely on other family members or paid caregivers to ensure both children were safe and well cared for. The financial expense was two-fold for this family: loss of work time and the cost of childcare, aside from any accounting of the emotional costs.

It seems to me that the justice system comes down to whether you can afford to go to court or not. You've either got to be so poor that you will get some social welfare subsidy because you are entitled to child care, or so rich that you can afford a Nanny there all the time.

Sandy: Interview 19

Kiri was raped at the age of 13 by two men. She was supported by her father to give a statement to the police and was told by the officer who took her statement that it would help other women. Kiri was immediately placed in the care of social welfare, which continued until she was old enough to enter employment. Kiri was quick to point out this had occurred in 1973 and that the system had changed since then. During the trial Kiri was required to give evidence with the two offenders sitting in front of her and smiling at her. A conviction was secured but Kiri did not feel believed or validated.

The judge decided to imprison them ... he said it was because their testimonies didn't corroborate and it was clear that something untoward had gone on. I will never forget being told they were being punished, but not because I was believed. One guy was sent to borstal, the other one ... his brother-in-law (with a wife and two kids) was put in jail for six months ... I got social welfare for the next two and a half years in another town, few visits home, inadequate counselling and chased by their sister and wife at every opportunity. I had learned the court wasn't going to bring me justice even if I "won" and that the process of winning was ... really ugly and painful.

Kiri: Interview 25

John was sexually abused by his uncle between the ages of 13 and 16. The same uncle had sexually abused three other boys, one of whom would later criminally report. The police subsequently interviewed the offender, at which time he volunteered that he had also sexually abused John. A relative of the reporting victim informed John about the allegations against his uncle. Although the victims themselves were unknown to John, he contacted the police and gave a statement.

When I added my voice to the charges it was not for revenge or punishment, I was beyond that. I wanted acknowledgement that the system agreed that I had been abused. It was having my past validated by the system.

John: Interview 24

The police told John that his uncle had claimed that his sexual abuse of John had been sorted out within the family, which was why they had not contacted him. The police accepted the offender's explanation at face value and made no attempts to confirm this with John or his family. Once the charges were laid and statements taken, John gained satisfaction from the knowledge that the system had validated his experience.

Once my uncle was charged, the justice system took over and it was out of my hands. I found that very satisfying. The system was lending credibility to my life. It was saying that my past was true and not my imagination.

John: Interview 24

On reflection he was unsure as to whether he had experienced any sense of justice. John believed the sentence his uncle received was disproportionate to the damage caused by the sexual abuse of four boys over a period of 15 years.

I feel ambivalent about that [justice]. Sentencing is so much opinion divorced of meaning and is not relevant to reality. I watched the court proceedings. I sat in, as any member of the public in the public gallery. I was kept reasonably informed as to the case, and told the dates in court etc. I took a day off work when the case came up and went along with a friend. After he was sentenced I spent the rest of the day wandering around feeling pretty good. He was sentenced to four years, which means he will be out in about two years. I think it was very paltry. A wife abuser got eight years [that same day], and it seemed to me that the intensity and amount of damage was disproportionate.

John: Interview 24

John said that overall he could not fault the way he was treated by the criminal justice system, but commented that he found the victim impact report harrowing. Because he had come into the case so late, the police were under pressure to complete all the procedures in time for the trial date. This resulted in the victim impact report being completed by consultation with John over the telephone. Despite his relatively positive experience with the criminal justice system, John has not appeared to gain any sense of closure and was unsure if anything would make him feel different.

I'm not ecstatic about the justice system, but within reason it treated me adequately. The legal system is quite arbitrary, not absolute. Equally the court could have decided that my uncle was not guilty. It's not related to reality. Before this case I had always considered the justice system as some sort of higher altar of absolute, but after the case nothing changed. I'm still struggling with the same issues, and I'm not sure that anything will make a difference.

John: Interview 24

John's comments reflected the hopelessness that all survivors expressed as they spoke of the criminal justice system. Of those survivors who had taken legal action against the offender, none could report they had experienced a sense of justice. Their expectations of justice were different to the expectations of offenders and their supporters. The expectations of survivors included the opportunity to tell their story

and the provision of information that would assist their recovery process, in that the process of justice would provide them with the answers to the basic questions all victims asked as outlined by Zehr. The costs of justice seemed to be much higher than anticipated by survivors both in financial terms and in the context of revictimisation. Finally, survivors had expected that by breaking their silence they would receive some sort of validation of the victimisation they were subjected to. By contrast the main objective of offenders was to avoid a criminal conviction and subsequent imprisonment. The aim of society, through the criminal justice system, was to avenge victims, ensure that retribution, based on just deserts, was apportioned fairly and that offenders were treated equally. These disparate expectations have contributed to the tension in the criminal justice system.

I further explored the expectations survivors might have of justice by encouraging them to reflect on their understanding of justice and to identify any changes they would make that might enable them to experience a sense of justice.

Understandings of Justice

Generally, when people have defined the term justice, they have described the processes that have been undertaken in the criminal justice system. They have not defined a singular or universal concept of justice as discussed in the introductory chapter of this thesis, but have defined procedural justice, the processes by which justice has been achieved. This has highlighted how intertwined the two discrete concepts have become. A singular or universal concept of justice has been underpinned by the principles of equality and fairness and these principles should be evident in procedural justice. Although adult survivors of child sexual abuse endorsed these principles as they attempted to define justice, they appeared to define equality and fairness as it would apply between victims and offenders as opposed to the aim of procedural justice, which has been to treat all offenders fairly and equally.

For most survivors a definition of justice included the necessity to clarify the use of guilty pleas. Robert highlighted that the understanding of the difference between right and wrong has not always been evident in procedural justice.

Justice is knowing the difference between right and wrong.

Robert: Interview 2

The offender and his supporters might well understand that his actions were illegal, immoral and unacceptable by our society: a moralistic or ascriptive definition of guilt (Zehr, 1995a:68). However, bystanders, supporters of the offender, family members and defence lawyers have supported offenders to plead not guilty to charges so that the evidence could be put to the test and guilt determined by the narrow technical definition of guilt, as it has been used in the criminal justice system (Zehr, 1995a:66). By contrast, some survivors tended to analyse guilt within a prescriptive definition that has provided explanations for the offending within a socio-psychological framework (Zehr, 1995a:68). For these survivors attending to the underlying causes of offending, the motivations for offending, would, perhaps, provide them with sense of justice.

Despite their realisation that some offenders were themselves victims, this understanding did not exonerate offenders. Robert stated this very simply.

He knew the difference between right and wrong.

Robert: Interview 2

Most survivors raised the issue of accountability in relation to their understanding of justice.

To me, I think in a simplistic way, justice is that ... he should be made accountable. He should not be able to live this lie. He lived a lie.

Gwyneth: Interview 21

Gwyneth expanded her understanding of accountability to include witnesses.

But I think it's also having someone there to witness it as well.

Gwyneth: Interview 21

Sarah similarly indicated the need for witnesses. She was seeking an admission of guilt in the presence of bystanders, selected family members.

Justice is him being genuinely sorry and admitting what he'd done in front of other people, family and whoever I chose. People I care about. He would have to admit what he had done. I would prefer if he were genuinely sorry but I can't make him be that. It would be in front of the people I chose to be there. I would be pretty careful who I chose to be there. It would be my counsellor, sister, husband, daughter, son, his wife, and nephews and nieces. I would suss out my brothers first because I wouldn't want any one there who would be supporting my father or not believing me.

Sarah: Interview 16

Many survivors noted the need for bystanders to witness an offender assuming responsibility and accountability for his or her actions. Others expanded the understanding of validation to incorporate validation by bystanders. They noted the importance of understanding and validation by bystanders or family members. Sharon, sexually abused by her brother, has been unable to talk about issues related to the sexual abuse with her father.

I would like to see me and my parents in a room talking about it to start with.

Sharon: Interview 14

Rosalind has had no contact with her paternal grandparents since her father was convicted of sexually abusing her as a child. She would like to explain to them the impact sexual abuse has had on her life and on her family.

I think I actually would like to sit them [her father's parents] all down and actually tell them what it's done to me. The effect that it's had on me, and the effect it's had on the rest of my family ... they're my grandparents. To me you don't cut off your family like the way they have done to us. They don't know what we've accomplished in our lives, they don't know what our goals are, what our dreams are, they know nothing about us at all, only up 'til when I was sixteen.

Rosalind: Interview 6

If families have been fractured and polarised by criminal reporting, the opportunities for validation would not only be minimised, but also the purpose of criminal reporting might not be achieved.

Since the court action we as a family have not been able to come back together, that is my family and my uncle's family. I managed to remain on talking terms with one of my cousin's kids, only because we worked in the same organisation and had to be able to communicate. I was talking with him one day and he told me that the whole thing made him angry. He said that members of his family had managed to sweep the whole thing under the carpet. They were totally in denial as to what my uncle, his grandfather, had been doing and might still be doing. He said that nothing had happened to his grandfather (my uncle) ... he hadn't been punished in any way ... and that his father (my cousin) still dropped off his stepdaughter to my uncle for baby-sitting. I couldn't believe it. Three people had said at the family confrontation in front of my cousin that they had been sexually abused by this man ... his own daughter had said she was having flash backs regarding this man, and his son said he has bad memories of something awful but does not know what this means. Why expose another child to this person? I felt that nothing we had done had served to protect other children. They were so caught up in their defensive posturing.

Anna: Interview 11

Bystanders in their efforts to support the offender could place vulnerable children at risk. As sexual victimisation has been minimised, it has become more difficult to deconstruct the denial system the offender has maintained over years of offending. This could serve to validate the offender and reinforce his offending behaviour.

Karen's understanding of justice incorporated meeting the needs of victims to enable them to proceed on their journey of recovery.

I think the emphasis should be on restoring the mind of the person who was abused. Their self esteem, self love, self worth, the family, if it needs to be ... or making sure that if that family is split up that they have as much support as possible. I'm talking about the victim and the children or whoever are involved ... much support as possible, to make sure that they can get on with their lives ... to make sure that the scarring is not as horrendous as it could be.

Karen: Interview 18

An underlying principle of justice has been the restoration of equality. Aristotelian justice would restore the pre-existent state of equality⁴⁸. In the instance of abusive

⁴⁸ Refer to Chapter 1: Definitions and Concepts for a complete discussion on equality.

relationships, justice must move beyond restoring a pre-existent state of equality. Justice should effect a transformation of relationships to ensure that harm would not recur (Zehr, 1995a:190). Sharon indicated that she still wanted a relationship with her brother despite his sexual abuse of her.

As much as what he's done I would still want to rebuild a proper relationship like every other brother and sister, an equal relationship. I really want that, and I yearn for that.

Sharon: Interview 14

For Sharon to experience a sense of justice, it must include the ability to negotiate a new relationship with her brother based on equality. Not all victims would want to restore the relationship with the offender who has harmed them. However transformation of a relationship could mean that the relationship would be restored to the extent that it would not imply intimacy or trust, but that it would enable the offender, victim and bystanders to co-exist in their community.

Survivors wanted to be more involved in the criminal justice system. Their lack of confidence in the criminal justice system was partially derived from having no voice once they had reported the offender to the police. Rosalind not only commented on the need to be heard within the proceedings, but she also emphasised the need to be understood.

The victim should be able to go into the court and say to the judge what they think should happen to the abuser. And for them [offenders] to understand what the abuse has done to them in their lives ... it's sort of contributing towards how the abuser's sentence should be done or what should be done about the victim.

Rosalind: Interview 6

Gwyneth concluded that justice was a very personal concept and the way in which a sense of justice might be achieved for each and every victim would likely vary substantially.

Maybe the only way you're going to get justice is by doing it yourself. I guess it is a personal thing that you have to work out what has to happen for you to start feeling like justice is being done. I don't believe going through the court system and reliving all this is necessarily a good thing or a healthy thing for the person who has

recovered. Each individual person has to revisit it and say, well look, if you don't feel anything's being done, what needs to happen?

Gwyneth: Interview 21

To summarise, survivors of child sexual abuse identified that to attain a sense of justice they needed to have their story heard by witnesses in a forum based on equality. They wanted an acknowledgment of the difference between right and wrong. They emphasised their need for the offender to take responsibility for his or her actions and to demonstrate accountability. Transforming relationships to an extent that they could co-exist with offenders and bystanders in their shared community was a high priority for many survivors. Survivors of child sexual abuse needed to have their experience of victimisation validated not only by offenders but also by bystanders. Finally, they needed offenders, bystanders and outsiders to understand the complexity of child sexual abuse, and the impacts it has had on their lives. For most survivors, healing was central to the process of realising justice. Although survivors expressed their anger with the offender, there was little evidence of any desire to inflict harm on the offender. However, they were very clear that there needed to be consequences for the offender and they sought some assurance that potential victims would be protected. Adult survivors of child sexual abuse appeared to believe that an experience of a sense of justice could contribute to closure, which in turn would facilitate their recovery, but cautioned that for each victim of child sexual abuse their needs would be very different.

To gain a greater understanding of how this could be best achieved, I invited survivors to consider the changes they might make to the criminal justice system, if they had the power to do so, and to describe an alternative structure that would better accommodate their needs.

An Alternative Structure

As survivors reflected on changes to the criminal justice system that might facilitate their recovery process and better enable them to experience a sense of justice, they emphasised that their circumstances were unique when compared with other crime. Many of the survivors interviewed had a familial relationship with the offender. They

believed that the criminal justice system did not appear to recognise the existence of familial relationships and the importance to them of maintaining these relationships. Many survivors commented that the criminal justice system seemed to assume that victims and offenders were unknown to each other but in the instance of child sexual abuse, offenders were very often a family member or a trusted adult within the social system of the family. Some commented on the difficulty of pursuing charges against an offender who now could be elderly, frail or unwell. Without exception all survivors advocated that a justice system should be sufficiently flexible to accommodate the complexity of child sexual abuse. The following voices of survivors were representative of the comments, which were made as they reflected on a justice system that would better meet the needs of victims reporting historical child sexual abuse.

In discussing the traditional criminal justice system, its adversarial nature and the underlying model of retributive justice, Celia wondered if retribution was the appropriate model.

Well, I'm actually wondering whether it needs to be like that. I think that we need to come away from the idea of punishment and blame and come back to healing, for both sides. What I'm saying is that abusers need to have consequences for their actions, that's very clear, and the reason that we give them consequences for their actions is not ... just for what they've done, but so they won't do it again. And I think we have come away from that...

Celia: Interview 8

Celia did not abandon the notion of consequences for the offender but emphasised that the underlying needs of both victims and offenders must be met. Survivors advocated moving away from the traditional model to another forum. Carol explored the possibility of alternative court jurisdictions. Her priority was for validation of her experience.

I think it should be tried in a family court without a jury. It should be a hearing in front of family members and a judge, with perhaps a lawyer. I think that way it is more personal ... it should just be you that is allowed to bring someone into the family court and accuse them [the offender] of this thing. There might be someone that determines if you have enough evidence. If so, fine, have a hearing and whether or not you prove someone guilty, then at least you've

had your day in court ... it's in a family court and you don't have to worry about some stupid law that says this has been too long ago. I think that would be much better because a lot of times you don't want to see your father, your uncle, your whatever put in prison. You just want to be heard, just substantiated as a person. The emphasis should not be on punishment. There is nothing, no punishment that can make up for the hell that person [the offender] has put you through. The emphasis should be on the two parties sitting down and discussing as equals, in a place of equality, what has happened. So instead of you being a frightened child trying to confront the man that's hurt you, you're an adult with the support of this place and he's coming in. He is ashamed or terrified. The survivor gets to subpoena whoever he or she wants to have there.

Carol: Interview 7

Tracey advocated for a criminal justice system that was more reflective of our society.

The structure has to reflect humanness. Not humaneness, not our idea of whom we should be, but who we are. Then we can have systems based on an understanding of what we're capable of humanly.

Tracey: Interview 17

Karen explored the possibility of a model for justice based on the youth justice model.

My idea would be that for people [who were ready] a process of mediation ... like the juvenile family justice system, where the victim, and the perpetrator of the crime come together and [the offender] must admit, and must understand the extent of the offence, must understand the kind of human price that has been paid for the offending. This is the same kind of mediation that I would use in terms of sexual abuse ... So I think that what we need is a system that doesn't see a crowd of people in there. [We need a forum] that is able to determine the offence, the extent of the offending and where to go from here. It may take more than one session because of the nature of this, this thing, it may take more than one session to get this out, and I know this means a strain on the resources...

Karen: Interview 18

Karen commented that she did not believe this could be achieved in one session. The success of such a system would be dependent on the commitment of society to allocate sufficient resources to enable a process to continue through to completion. However she suggested that in the long term, it might be more cost effective to pursue a process as she had described. Carol commented similarly.

Well it would be a lot cheaper than trying to pursue it criminally and going to ACC and claiming. It would help therapy immensely and it possibly should be part of your recovery. Go to ACC for the first time, have some therapy and then set up this hearing. Of course you don't have to do it because I don't think for myself I would be able to do it, but then in some ways I sort of have done it because I [have] talked to my mother's relatives.

Carol: Interview 7

Celia similarly explored the possibility of investigating other models for justice.

I'm actually wondering if we should be looking at the Maori way of doing things. I'm not sure what that is, but taking them back to the whanau. People who are in a family where there are abusers, become very volatile towards those people [the offenders].

Celia: Interview 8

Although survivors appeared to have limited prior understanding of restorative justice, they described processes that could be identified as those used in a restorative justice model. While this was particularly apparent among the female survivors involved in this project, the three male survivors also identified elements of restorative justice in relation to meeting their needs as victims. As there were only three male survivors interviewed, any commentary regarding gender differences related to this specific group would be inappropriate. However, notably, an exploration of public attitudes to restorative justice in New Zealand found that women, both Maori and Pakeha, tended to be quicker than men to identify themes of restorative justice as part of an ideal justice system (MRL Research Group and Department of Justice, 1995:42).

Although adult survivors of child sexual abuse identified that restorative justice could be a possible alternative, they were not convinced that restorative justice in its current format, the provision of restorative justice services by voluntary community groups, could provide consistent and reliable services.

Concerns of Adult Survivors

Towards the end of each interview I briefly outlined the underlying philosophies and principles of restorative justice, the various processes restorative justice has utilised

using the framework outlined in the introductory chapter of this thesis. I acknowledged, if appropriate, that their understanding of justice and description of an alternative structure were similar to that of restorative justice. I described the voluntary nature of restorative justice in New Zealand, based on my experience with the Te Oritenga Restorative Justice Group, and likened the process to the family group conference of the New Zealand Youth Justice system. Most survivors were surprised to learn there was a model containing the elements they considered important and were keen to explore this model further.

I've never heard of restorative and retributive justice, but restorative justice, that's perfect, that's exactly where my heart goes with things ... It's more punishing for them [offenders] to face what they've done than it is to go to jail and cost the state whatever it is per annum. If we had a restorative system in place, I love that word, it's my new place, then it would become a social expectation that people who are caught doing unsociable things are to be confronted with it. Eventually it would become harder for them to deny it, at the moment they usually deny it.

Belinda: Interview 12

However, the initial response to the possibility of engaging in such a process was that "...it would most likely be helpful for others but would not work in my family" or "my situation". This response could be an indicator that the powerful bi-directional relationship of Stockholm Syndrome was not yet completely severed. It could also reflect their experiences of bystanders and outsiders: those who were unable to intervene at the time of the sexual abuse. Survivors of child sexual abuse would have no reason to trust bystanders or outsiders. Neither would they have any confidence that these people could now effectively contribute to a restorative justice process. Further exploration of restorative justice as an alternative model for justice revealed the following concerns, not all of which related directly to the context of their particular family.

Belinda pointed out that offenders were masters of manipulation and could easily manipulate those who were facilitating the process.

What if he's one of those smart arses that goes along and says all the right stuff?

Belinda: Interview 12

Many survivors not only identified the manipulative skills of offenders as a concern, but also identified that offenders could be resistant to accepting accountability and responsibility for their actions.

That's like taking a horse to water and making them drink. That's what counselling is based on; you can only counsel somebody who wants to be counselled. You can't make somebody who is confronted with something to admit that in a room full of people. That's like getting the sun not to come up tomorrow.

Gwyneth: Interview 21

How do you counsel someone who is unwilling to be counselled? It's my experience with therapy that it only works if the person asks for help.

Belinda: Interview 12

From what I can gather there is very little remorse. People who sexually abuse have a tendency to not have any empathy with their victim, therefore they are sorry that they have been caught rather than being sorry for their actions. A huge turning point for them is if they're sorry for their actions.

Celia: Interview 8

These comments highlighted the necessity for preparation of both the offender and the victim prior to the commencement of any restorative process. Inadequate preparation would negate a sense of justice being experienced. Rosalind identified she would need much support to enter into a restorative justice process with her father.

Because of what he's done to me and the way I was, I have only just started now, through my counselling, getting my confidence back and I'm still pretty shaky on that. I have problems standing my ground with people, even in a work situation.

Rosalind: Interview 6

Karen pointed out that victims might never be sufficiently strong to speak in the presence of the offender. She emphasised the necessity of skilled support persons.

In terms of victims themselves, sometimes because they are unable to speak, I would like to see them being able to have a mouthpiece, in the same way as a deaf person has an interpreter. They are not there to emote, and you would have to be very good about how you would do this, you would have to be trained to be able to do this, in the same way that a deaf interpreter is. You just can't stick your own oar into the business, you can't even trivialise, you must say what the victim wants you to say, where it's just you [as the interpreter] reading it out. Maybe that's what has to be done, a transcription needs to be done and you're just there to read it out. I think that the more graphic those transcriptions are the better ... I don't see any point in being polite about any of this.

Karen: Interview 18

Many survivors commented that the costs of a restorative justice system could be inhibitive for potential funding agencies, emphasising that substantial funding would be necessary for restorative justice to be successful. Belinda pointed out that it could take a series of conferences to address all the issues, which would be a further drain on public resources.

I don't think one conference would do the trick 'cause it would take you one to realise how it might go and another couple to get up the courage to say what you really wanted to say.

Belinda: Interview 12

Advocates of restorative justice have maintained that a successful restorative justice process was dependent on the voluntary participation of victims, offenders and their communities. Belinda noted that the burden of responsibility could fall on women.

Who's going to do it all, facilitate the process, protect children, make sure he does what he said he would? I'll tell you who ... women. It's just more stuff for women to do ... and it'll be their fault if it goes wrong. That's right they'll get women to do it ... women have enough to do. It's the same as community care.

Belinda: Interview 12

Belinda's comments reflected the attitudes of many survivors as they commented on restorative justice. Adult survivors of child sexual abuse found it difficult to believe

that restorative justice was victim centred. This might be a reflection of their distrust of outsiders and the traditional criminal justice system. However it was a valid concern, given that the main thrust for restorative justice has appeared to be driven by groups that could be identified as advocates for offenders. The offender could determine through his plea if a restorative justice process would proceed or not. Many adult survivors of child sexual abuse interpreted this as evidence that restorative justice was merely replicating what they perceived as the offender centred model of the traditional criminal justice system. Despite their initial responses, survivors were interested in restorative justice as an alternative model for justice. Many commented that they would like to learn more about restorative justice if it were to be developed to address historical child sexual abuse.

Conclusion

As survivors reflected on their understandings of justice, themes emerged similar to those that had been identified as necessary to promote recovery. A sense of justice and the recovery process could be inter-related. Most did not believe they could experience a sense of justice within current frameworks. The experiences of those survivors who have pursued justice through the criminal justice system appeared to validate this perception. The traditional criminal justice system has been unable to recognise the relationships that have pre-existed between the offender and the victim, therefore it has been unable to transform relationships to a state where victim and offender could co-exist in their communities. Furthermore it has not recognised that victims of child sexual abuse could be suffering the effects of Stockholm Syndrome. The objectives of child sexual abuse victims have been incongruent with the objectives of offenders and those of the traditional criminal justice system. It has been this recognition that has prompted practitioners, researchers and writers to advocate alternative paradigms for justice.

The understandings of justice expressed by survivors of child sexual abuse appeared to be congruent with those expressed by advocates for restorative justice. Survivors were not seeking revenge or retribution. They sought acknowledgment, validation and understanding not only in the context of a criminal justice system but also within the context of their family. Central to their understanding of justice was the necessity

to meet the needs of both victim and offender by promoting healing for the victim and addressing the underlying causes of offending. Although this would appear to encapsulate the essence of restorative justice, survivors were cautious regarding its ability to deliver them a sense of justice. Despite their concerns they identified that restorative justice had some potential. The complexity of the recovery process, which could include the impacts of Stockholm Syndrome, would have implications for restorative justice, a model that has been based on a face to face process between victim, offender and bystanders. In the next chapter, the beginning of Part 3, I will further explore these implications and assess the potential restorative justice might have to meet the needs of victims, offenders, bystanders and the broader society.

Part Three:
Policy Implications

Chapter 9

Restorative Justice

Introduction

Restorative justice has emerged as a possible alternative process to the adversarial format of the traditional criminal justice system. Recognising that relationships have been harmed, restorative justice has aimed to include victims in the process of justice, repair the damage resulting from crime and enable offenders to assume accountability for their actions thereby reducing recidivism. It also has attempted to identify and address the underlying reasons for criminal offending. In June 2000, the New Zealand government announced a restorative justice pilot programme that would be implemented in 2001. Aimed at a middle band of offending, it would exclude, among others, any offences where there was an ongoing relationship between the victim and offender⁴⁹. This would exclude many victims of child sexual abuse.

The historical analysis of child sexual abuse⁵⁰ highlighted that the sexual abuse of children has not been a recent phenomenon and that deeply entrenched structures within society have encouraged the continuation of this criminal activity. It could be argued that supporters for restorative justice have placed great faith in the ability of communities to resolve issues that society has not effectively addressed let alone resolved. The dynamics of child sexual abuse and the complexity of the recovery process could negate the ability of restorative justice to address historical child sexual abuse. Although adult survivors of child sexual abuse were cautious to endorse restorative justice as a process that might encourage them to criminally report, similarities could be identified between their understandings of justice and the aims and objectives of restorative processes.

⁴⁹ Personal Communication July 5, 2001 with the Co-ordinator for the Restorative Justice Pilot, Auckland District Court. The co-ordinator commented that this could change in the future.

⁵⁰ Refer to Chapter 2: An Historical and Theoretical Perspective.

Therefore, to determine if the process of restorative justice might include or preclude the participation of adult victims of child sexual abuse I have analysed those principles that advocates have argued were essential to restorative justice. To better inform this discussion I will briefly review the development of restorative justice within the New Zealand context and identify any precedence for restorative justice and child sexual abuse in New Zealand.

Restorative Justice in New Zealand

Most historical accounts have cited the beginnings of restorative justice as a form of victim offender mediation that emerged in the early to mid 1970s (Daly and Immarigeon, 1998:23; Marshall, 1999:7). At the same time the term restorative justice emerged to describe these new initiatives. These accounts have not always agreed on specific dates or specific programmes but, typically, have focused on North America and have acknowledged the contribution of indigenous populations, such as the Native American sentencing circles of North America and Marae Justice of New Zealand (Marshall, 1999:7). Internationally restorative procedures and practices have developed in response to what has worked. The ideological base has included conservative, liberal, neo-liberal, radical-critical, feminist and abolitionist strands of thought (Daly and Immarigeon, 1998:30). The New Zealand experience has been similar.

Through the late 1970s and early 1980s the juvenile justice system of New Zealand was criticised in relation to the handling of juvenile offenders and in particular Maori youth (Bowen et al., 2000:17). Advocates for child welfare and youth justice reform joined New Zealand Maori in arguing for an alternative approach to youth justice (Pennell, 1999:1). Perhaps motivated by fiscal conservatism, the Fourth Labour Government supported the notion of family group conferencing (Daly and Immarigeon, 1998:30), and began their revision of the Children and Young Persons Act 1974 shortly after their election in 1984 (Bowen et al., 2000:17). The revised legislation, the Children, Young Persons and Their Families Act 1989 (CYP&F Act), provided the foundation of a new and unique Youth Justice system some three to four years before the term “restorative justice” became known in New Zealand (McElrea, 1998b:1).

Although the Youth Justice system was not specifically designed as a restorative justice system it was "...reflective of traditional Maori approaches to resolving conflicts..." (Bowen et al., 2000:18) and has been recognised as restorative in principle (McElrea, 1998b:15). The New Zealand Youth Justice model has applied restorative techniques, in the form of family group conferences, as part of a legal system that has been applied to all young persons irrespective of ethnicity or type of offence (McElrea, 1998a:14). While practitioners of restorative justice might justifiably critique the Youth Justice system as not victim-centred (McElrea, 1998b:4) notably it has been integrated into the wider court system (McElrea, 1998a:14), a feature that has seemed to be acceptable to various agencies and the public, in general.

A number of voluntary organisations have emerged to provide restorative conferences similar to those of the Youth Justice system. Although conferencing was not the only restorative process available to community based groups, it has become the most widely used process in New Zealand. Conferencing has been referred to as restorative justice conferencing, community group conferencing and restorative conferencing. For simplicity, I have used the term restorative conferencing to depict those conferences that have been used by voluntary groups in New Zealand to address the aftermath of criminal offending within a community comprised of the victim, the offender, and their supporters.

The first voluntary group, the Te Oritenga Restorative Justice group⁵¹ established in 1995, maintained its independence from the traditional criminal justice system in an attempt to ensure a flexible and creative approach in addressing the needs of victims and offenders. Judges within the Auckland District Court system, using Section 14 of the Criminal Justice Act 1985, which has provided courts with the power to adjourn and seek suitable punishment for an offender, supported restorative justice initiatives by referring cases for restorative conferencing (McElrea, 1998a:15). By the end of 1999, more than ten groups were providing restorative conferencing in response to a variety of referrals. These restorative justice groups have implemented training

⁵¹ Information regarding Te Oritenga was gained through attendance at their meetings over a three year period

programmes for their voluntary practitioners based on experience and the particular practice models individual groups have developed or supported.

Other initiatives in New Zealand through the 1990s included trial diversion programmes introduced at the Henderson, Rotorua and Timaru District Courts, which were based on a different process from that of restorative conferencing (McElrea, 1998a:15). In 1997, the Minister for Justice recommended the implementation of pilot programmes across a variety of courts. However, anticipated government funding did not eventuate (Bowen et al., 2000:19). A change of government in 1999 saw a renewed interest in restorative justice that resulted in the implementation of a four year government funded pilot in three New Zealand District Courts. The pilot has excluded serious offending in that it has specifically excluded the following offences⁵²:

- *Part VI of the Crimes Act 1961 "Crimes Affecting the Administration of Law and Justice";*
- *Part VII of the Crimes Act 1961 "Crimes Against Religion, Morality and Public Welfare";*
- *Cases of home invasion under section 17B;*
- *Cases where victims and offenders have an on-going relationship (domestic violence).*

Although child sexual abuse would appear to be excluded from the pilot programme, restorative justice as a process to address child sexual abuse has not been without support.

Restorative Justice and Child Sexual Abuse

Fred McElrea (1998a:16) contended that restorative justice was relevant for some instances of serious offending, including rape: “[t]he deeper the hurt that has occurred the greater the need for healing (often on both sides) and the greater the potential benefit to the community...”. Various restorative justice groups in New Zealand have similarly understood that restorative justice could be used effectively in

⁵² Personal Communication July 5, 2001 with the Co-ordinator for the Restorative Justice Pilot, Auckland District Court

the instance of serious crime. Many groups have reported the successful facilitation of restorative conferences addressing historical child sexual abuse⁵³. There has been no research available to confirm the success of restorative justice in this area of criminal offending. However, anecdotal evidence, albeit from the perspective of practitioners, has appeared to suggest that restorative justice could have the potential to address issues relating to historical child sexual abuse. This notion has appeared to be supported, at least by those members of the judiciary who referred cases of historical child sexual abuse to restorative justice and by those victims and offenders who agreed to participate.

Further support could be identified in a programme for imprisoned offenders of child sexual abuse, which has been implemented at the Te Piriti unit, located in the Paremoremo Prison in Auckland. A feature of this nine month, therapeutic programme have been the two Whanau Hui, or family meetings, which have been convened through the programme. Known victims have been invited to attend the Hui, however their attendance has been voluntary. The main aims of these Hui have been to provide the whanau, or extended family, with sufficient information to protect vulnerable family members, to break down any constructs of denial or other rationalisations offenders and family members might have and to enable whanau to keep their family member safe from a continuation of offending. Te Piriti staff argued that the absence of the victim has not impacted on the success of the Hui. Although staff members of Te Piriti have made no claims that Whanau Hui were based on restorative justice, despite the offender focus, it could be argued that there were similarities between the objectives of the Hui and those of restorative justice. The Kia Marama unit at Rolleston Prison, Christchurch, has used a similar family meeting within its programme for sexual offenders.

There has been no specific research that might indicate that restorative justice could have a positive impact on victims or offenders of historical child sexual abuse. It has been supported only by anecdotal comments. More understanding of the process of

⁵³ Personal communication with members of restorative justice groups attending the Just Peace? Conference at Massey University, Albany Campus, April 2000.

restorative justice could provide information regarding its function relative to the complexity of child sexual abuse.

In the following section I will analyse three fundamental tenets of restorative justice: the involvement of victims, the negotiation of a community response and the transfer of responsibility from the state to the community. This discussion will draw on those concerns that adult survivors of child sexual abuse broached as they discussed restorative justice and will be analysed within the context of child sexual abuse and the complexity of the recovery process.

The Involvement of Victims

Adult survivors of child sexual abuse indicated they wanted to confront the offender and be more involved in the process of justice, yet they seemed unable to see themselves utilising restorative justice to achieve this. An underlying assumption of restorative justice has been that victims would want to attend a restorative process in which they could confront the offender and have their say in a safe forum. Such an assumption could suggest that any pre-existing relationship was likely premised on equality. An imbalance of power has concerned critics of restorative justice, particularly those who have discussed restorative justice in relation to domestic violence, a similar intimate relationship to that necessary for the sexual abuse of children. Such commentators have recognised that restorative justice had a similar philosophical perspective and utilised similar process techniques to those of mediation (Hooper and Busch, 1996:1). Stephen Hooper and Ruth Busch (1996:1) noted that women's advocates have argued that because of the inherent inequality that has existed between victims and offenders, the traditional adversarial process of the criminal justice system would better serve victims of domestic violence. Helen Carbonatto similarly acknowledged the power imbalance between victims and offenders of domestic violence. However, she also noted that "...the current legal process is often just as inadequate in coping with these disparities" (Carbonatto, 1995:9).

The dynamics of child sexual abuse, including the possible effects of Stockholm Syndrome and the complexity of the recovery process, could indicate that the pre-

existing power imbalance, which enabled sexual victimisation, might preclude the involvement of victims in restorative justice processes. Some victims of child sexual abuse might find it more acceptable to designate a person to represent them at restorative conferences. The burden of responsibility as to whether restorative justice would proceed should not rest solely on the victim. Restorative justice could and should proceed in some instances without the victim; the sense of justice could be achieved for absent victims through the outcomes of the process and the attendance to the needs of the victim.

Adult survivors of child sexual abuse queried the role of victims in restorative conferences. Although they identified advantages for victims, offenders and the broader society, they were concerned that the needs of victims to confront the offender and various bystanders could be exploited. Restorative justice practitioners must be clear as to whose interests were being served: those of the victim or those of the offender. Although it could be advantageous for offenders to have the opportunity to demonstrate accountability and responsibility for their actions in the presence of their community this should not take place at the expense of victims.

Negotiation of a Community Response

Restorative justice practices have emphasised the involvement of victims, offenders and their communities to negotiate a community response. Adult survivors of child sexual abuse queried the definition of community. *The Concise Oxford Dictionary* (Allen, 1990:230) defined community as "...people living in a specific locality...a body of people having a religion, profession etc in common... fellowship of interests". Tony Marshall (1999:28) noted that it was necessary to consider what the term "community" might actually involve and discussed community not only in relation to a fellowship of interest, but also in geographical terms. The distribution of resources between geographic communities might not be equal. More depressed communities might not be able to provide and sustain the necessary level of commitment a restorative justice programme would require (Marshall, 1999:28). Furthermore, such communities might require an increased level of funding over those of more wealthy communities. Similarly, the distribution of resources between "communities of interest" might not be equal. Some families might be able to

provide more resources in relation to meeting the needs of offenders and victims, while others might have limited ability to provide any necessary resources. Again some form of funding might be necessary to ensure that conference outcomes could be implemented.

A restorative conference should be an opportunity for the community of interest to discuss the ramifications of offending, to show their condemnation and to reach a consensual solution (Carbonatto, 1995:14-15). As in Whanau Hui, the conference might enable members of the family and social network to gain information regarding the offender's pattern of abuse. This could enable the establishment of safety plans to ensure the protection of children within the offender's network. If the "community of interest" were able to address the issues of child sexual abuse effectively, any cognitive distortions held by the victim could be eliminated. Constructs of denial or other rationalisation evident in the offender and supporting bystanders could be challenged and possibly even deconstructed. This could contribute to a sense of justice for the victim and validate his or her experience. Such positive outcomes would be desirable and, perhaps, predictable for practitioners of restorative justice.

The consensual solution or sanctions would be determined by "...a "community" of people who had an interest in the lives of the both the offender and the victim" (Carbonatto, 1995:12). Adult survivors of child sexual abuse noted that the community would include the offender and his or her supporters. Therefore the community of interest would consist of bystanders, family members, who knew or suspected that something was wrong but for a variety of reasons were unable to intervene in the process of victimisation. Outsiders, those people with whom the victim has had contact with over the years, were similarly unable to intervene. At times, they have demonstrated to adult survivors of child sexual abuse by their actions and comments that they had little understanding of the dynamics of child sexual abuse. Within the restorative conference, outsiders would fulfil the role of conference facilitator and represent those organisations that could have a stake in the outcome of the restorative conference, such as the police, parole officers, legal counsel and social workers. Victims of child sexual abuse might have limited confidence in the ability of bystanders and outsiders to validate their experiences.

Adult survivors discussed the negotiation of community response not only in terms of the pre-existing complex relationships between the victim and offender but also in terms of those relationships that existed between members of the community. They noted that family members would possibly find it impossible to endorse outcomes that might include imprisonment.

Finally, the agreed upon solution or sanctions, unlike the criminal justice model, would depend on the on-going support of family or the community of interest (Carbonatto, 1995:13). Even though a referring court might formally endorse these sanctions, the responsibility of this oversight might well rest ultimately on women within the community of interest. If child sexual abuse were entrenched within the family system involving several generations, Stockholm Syndrome and the complexity of recovery would indicate that members of this community might be unable to provide the necessary level of support to ensure the agreed upon sanctions were carried out. Women in these family systems might be less equipped to withstand the offender's constructs of denial and other rationalisations.

Restorative justice has placed "...great faith in a group of people, assembled for a single meeting, labelled a community...to challenge structural inequality and deeply held misogynist views..." (Stubbs, 1997:11). Adult victims of historical child sexual abuse would have no grounds to believe they could trust the "community" to do what would be right for all those involved. The same community was unable to prevent or intervene in the sexual victimisation they were subjected to as children.

The Transfer of Power to the Community

Adult survivors of child sexual abuse discussed this principle in terms of the transfer of power to the community of interest and in terms of the transfer of power to the voluntary community groups that have provided restorative justice services. Supporters of restorative justice have appeared to present the transfer of power from the state to the community as the solution to increased levels of crime within our society. Decentralisation, de-institutionalisation and devolution were sold to the public as a means of empowering the community (Kelsey, 1997:291). Throughout the 1980s, this ethos, which was congruent with both the restorative justice

movement and neo-liberalist ideologies, was reflected in the policies of Reaganomics in the US, and Thatcherism in the UK. In New Zealand this was also evident in the policies of the Fourth Labour Government, 1984 to 1990 and the National Government's policies through the 1990s. Kathleen Daly and Russ Immarigeon (1998:31) argued that the grass roots form of social democracy, with a central aim to promote well being, was congruent with the aims and objectives of restorative justice, but noted that neo-liberalism, emphasising economic rationality, entrepreneurial activity and empowering the consumer, could also be congruent with restorative justice. They referenced John Braithwaite (1996) who had noted that "...some of the most savvy conservative governments in the world, [those] most imbued with the imperatives for fiscal frugality – New Zealand and Singapore – [were] early movers in embracing restorative justice". This suggested that restorative justice could incorporate both "law and order" and "progressive" responses to crime. However, as Jane Kelsey (1997:292) argued, when not properly funded, and to date it has not been, the rhetoric of neo-liberalism translated to "...shifting the burden from the state to primarily women 'volunteers' who were assumed to have a limitless capacity for unpaid labour in 'the community' or the home".

Adult survivors of child sexual abuse noted this point, although not in these terms. They asked who would pay and who would be responsible for the ongoing delivery of services. They believed that the transfer of power could ultimately equate to the transfer of responsibility to women. It could be possible that women could ultimately bear not only the responsibility of ensuring the safety of children in the offender's network, but also provide oversight to an offender who has returned to his community for support. One survivor identified a similarity with community care. Feminists have noted that community care of the elderly and the infirm has equated to care by the family (Vellekoop-Baldock, 1990:126) and, further, family should be read as women (Walker, 1982:40; Williams, 1989:182). The success of restorative justice might well depend on the availability of women to provide these services.

Adult survivors of child sexual abuse were sceptical that voluntary groups could deliver consistent and reliable services throughout the country. Restorative justice practitioners have voluntarily become involved in community based groups for a variety of reasons which have ranged from a genuine desire to assist other people, to

deliberate career positioning. They have been under no obligation to sustain their level of involvement and could discontinue at any time. Therefore, the timing of restorative justice processes could be dependent on pre-existing commitments and obligations practitioners might have in other areas of their lives. Should demand for services increase, community groups could find it difficult to continue satisfying demand on a voluntary basis.

Adult survivors of child sexual abuse were not supportive of the transfer of power from state to community without appropriate structures in place to ensure that women and victims were not further disadvantaged. They believed that the sexual abuse of children was too serious to be left to informal structures and voluntary groups. Victims of child sexual abuse would not opt for restorative justice unless they were confident that the community had the ability and commitment necessary to support and oversee consensual outcomes. Furthermore, victims would require some assurance that the community could ensure that they were not only central to the process but were sufficiently supported to contribute to problem solving and that the restorative justice practitioner had sufficient expertise to equalise an imbalance of power.

Adult survivors did not reject the principles of restorative justice unconditionally, as they did with traditional criminal justice. They appeared sceptical that the principles of restorative justice could be achieved, given the complexity of historical child sexual abuse. At the same time they identified that the flexibility of restorative justice could enable the development of practice models that might negate their concerns. In the following section, I will discuss those practice issues that would be particularly relevant in the context of historical child sexual abuse.

Voluntary Participation

Survivors of child sexual abuse questioned the concept of voluntary participation in relation to both victims and offenders. They were concerned that victims of child sexual abuse could experience significant pressure if supporters of the offender believed that restorative conferencing might negate imprisonment. Survivors noted that without some coercion, offenders could be reluctant to participate in restorative

conferencing. It has been generally accepted in the restorative justice community of New Zealand that participation in a restorative justice process would be voluntary and that there would be no pressure to agree to outcomes of a restorative conference. *The Concise Oxford Dictionary* (Allen, 1990:1375) has defined voluntary as "...able to act of one's own free will; not constrained or compulsory..." Various arguments could be constructed as to the voluntariness of any voluntary action. Personal agendas could dictate many actions for a variety of reasons. Similarly actions could be constrained by a variety of influences, responsibilities and needs. Nonetheless, generally it has been understood that participation in restorative justice has been voluntary, when compared to the traditional criminal justice, which has been undeniably coercive. The state has had the authority to compel participation and subsequently punish offenders, irrespective of the wishes of victims or offenders (Van Ness and Strong, 1997:79).

Commentators have advocated that voluntary participation of both victim and offender, in the adult jurisdiction at least, should be an essential prerequisite of restorative conferences (Van Ness, 1993:275; Boule et al., 1998:15; Marshall, 1999:24; Bowen et al., 2000:55). *The New Zealand Restorative Justice Practice Manual* (Bowen et al., 2000:55) commented that if either the victim or offender declined to participate then the conference should not proceed. A concern that has been commonly raised in relation to the coercion of victims was that the process might inadvertently reflect the traditional criminal justice system with its "...offender-driven nature and use of victims as "props"..." (Umbreit and Zehr, 1996:27). Furthermore, Helen Bowen, Jim Boyack and Stephen Hooper (2000, 55) argued that if the participation of offenders were not voluntary, refusal to attend could be used by judges as they determined sentencing.

The ability of victims and offenders to voluntarily participate in restorative justice processes and negotiate consensual outcomes could be questionable. The notion of voluntary participation for victims of child sexual abuse could be further complicated if they were experiencing the impacts of Stockholm Syndrome. Pressure applied by bystanders to either participate or not participate could further impact on the ability of victims to make any decision based on free choice. The avoidance of a court case

or imprisonment could be a motivating factor for many potential participants of restorative conferences.

Victims and offenders might need some encouragement to participate in alternative programmes. They would need sufficient information about restorative justice that could enable them to make informed consent (Bowen et al., 2000:55; Wright, 1998:29). There could be a "...fine line between the proper provision of information and unnecessary persuasion" (Marshall and Merry, 1990:217, cited in Wright, 1998:29). Administrators and practitioners within new programmes would be under intense pressure to produce successful outcomes. In their attempts to encourage participation in a restorative justice process, administrators could present victims and offenders with information that might create unrealistic expectations. Victims and offenders alike must be provided with unbiased information on both the advantages and disadvantages of restorative conferencing (Marshall, 1999:24). They should have the opportunity to ask questions and be given time to consider the options that were available to them.

Ron Claassen (1996:4) recognised that not all offenders would choose to be cooperative. He argued that, although it would be preferable that victims, offenders and their community of support participated voluntarily, offenders should be encouraged, educated and invited to become cooperative. (Claassen, 1996:5). Offenders, therefore, could be coerced supportively providing that it was reasonable, respectful and restorative. Marshall (1999:24) similarly noted that offenders might not welcome the opportunity to face their victim and could require some persuasion to participate in a restorative conference. Notably, he commented that it was unclear "...as to how voluntary their voluntary participation needs to be" before restorative justice would fail to have a positive influence on offenders.

Voluntary participation in restorative conferences might be difficult to achieve and as an ideal might not be as essential for the offender as some practitioners have tended to believe. Given the comments of Ron Claassen and Tony Marshall, some coercion could be applied to offenders to enter into restorative justice programmes. Rather than aim for an unrealistic ideal, it would be more useful to acknowledge the existence of pressure and coercion, particularly for victims of child sexual abuse, and

ensure that practitioners were trained to recognise the particular difficulties that these victims might experience. Further, it would be more useful to debate the degree of persuasion, or supportive coercion, that could be applied to offenders of child sexual abuse, thereby contributing to the development of guidelines for best practice as they might apply to restorative justice and child sexual abuse.

Neutrality and Impartiality

Adult survivors of child sexual abuse queried the definitions of neutrality and impartiality and their role in restorative justice. They had difficulty reconciling the neutral and impartial role of a restorative justice practitioner facilitating a conference for what has been defined as serious crime. The restorative justice literature has appeared to present a confused picture in respect to the neutrality and impartiality of restorative justice practitioners. Marshall (1999:27) noted that training was essential for restorative justice practitioners to ensure that they could fulfil the role as a neutral party. Others advocated that although a practitioner should be a neutral third party, they accepted that a compromise of neutrality was inevitable (Bowen, 1998:23). Bowen et al. (2000:101) commented that practitioners should aim to be sufficiently neutral and impartial to a level that would satisfy the participants' perception of fairness and justice. However, Donna Coker (1999:89) argued that restorative justice has not ascribed to the ideal of the neutral mediator. Laurence Boulle, Judi Jones and Virginia Godblatt (1998:18), in relation to mediation, noted that definitions of mediation frequently presented the mediator as a "third party neutral". They further commented that some writers referred to neutrality in mediation as a myth, because neutrality was neither possible nor desirable.

The objectives of restorative justice have been to generate meaningful accountability and to acknowledge the wrong that has been perpetrated against the victim (Zehr, 1995a:201; Claassen, 1996:2). Neither of these objectives could be neutral. To achieve this, restorative conferencing has attempted to empower weaker parties so that their voices could be heard and their stories told. In so doing, practitioners have used a range of interventions that have supported the weaker participant against the power of the more powerful participant. Coker (1999:88) argued that the neutrality of the practitioner coupled with the structural disadvantages that women have

experienced, could ignore past injustices between the victim and the offender. Restorative conferencing not only would enable victims to tell their stories, but also it would allow offenders to tell theirs. The experience offenders have had at maintaining elaborate rationalisations and constructions of denial for prolonged periods could enable them to maintain their credibility. Practitioners must challenge any explanations of child sexual abuse that were gender based, focused on blaming the victim, or other such explanations that minimised sexual abuse or contributed to the conspiracy of silence⁵⁴. Moreover, restorative justice must avoid reframing child sexual abuse. Sara Cobb expressed concern that violence could become mutualised if it were merely reframed as a dispute (Cobb, 1997, cited in Coker, 1999:89).

Many commentators and practitioners of restorative justice argued that the position of restorative justice relative to the criminal justice system could undermine the neutrality of not only practitioners, but also the neutrality of the programme. Such arguments have suggested that independent programmes, those based in the community, were theoretically better able to maximise neutrality. However, as Susan Wright (1998:45) noted, they, too, have their objectives, which might be incongruent with the objectives of participants in restorative justice processes. The contestability of funding has dictated that groups must justify themselves, and to demonstrate their worth, they might seek results that would validate their programmes. This might influence the selection of cases that were deemed suitable for restorative justice processes, or could pressure practitioners to influence the process so that apparently consensual outcomes were determined. Legislation could similarly impact on the neutrality of restorative conferences. It would be unlikely that all participants would view imprisonment as a desirable outcome, yet the crime might be sufficiently serious to demand imprisonment, as it would be in the instance of child sexual abuse.

Boulle et al. (1998:19) argued that it was more useful "...to distinguish between neutrality in the sense of a disinterestedness and neutrality in the sense of fairness". They referred to the first definition as neutrality, which was also the common definition (Allen, 1990:798), but they referred to the second as impartiality. They

⁵⁴ Refer to Chapter 2: An Historical and Theoretical Perspective for a complete discussion on such explanations.

argued that by making this distinction the concept of neutrality could be used to describe the background of the practitioner, his or her expertise in the subject matter, prior knowledge of the specific circumstances, any previous relationships with the parties and any degree of interest in the outcomes. By contrast, Boulle et al. (1998:19) described impartiality as the "...evenhandedness, objectivity and fairness towards the parties during the mediation process".

A practitioner of restorative justice, addressing historical issues of child sexual abuse in a conference, should not be neutral in the sense of a third party neutral. While limited intervention might be appropriate in the context of industrial disputes, the same could not be true for restorative conferences that would address historical child sexual abuse. Although the parties might not be treated equally in the restorative conference, substantive equality would more likely be achieved by ensuring that the difference between the victim and the offender was recognised and accommodated. However, this would not preclude the impartial treatment of the offender.

Confidentiality

Survivors of child sexual abuse questioned the notion of confidentiality in relation to disclosures within restorative conferences that indicated other serious offending had occurred or was occurring. It has been generally accepted within the restorative justice community of New Zealand that the proceedings of conferences should remain confidential. *The New Zealand Restorative Justice Practice Manual* (Bowen et al., 2000:56) argued that confidentiality was a key element in establishing a safe environment in which open communication could occur between all participants. The manual maintained that an assurance of confidentiality facilitated truthful discussion, particularly in relation to feelings, thereby realising the benefits of restorative justice (Bowen et al., 2000:56). It advocated legislative amendment that would guarantee absolute confidentiality for the content of a restorative conference, which would ensure that any offender who admitted to other criminal activity within a restorative conference could do so without the risk of further prosecution (Bowen et al., 2000:57).

The welfare principle, commonly referred to as the paramountcy principle, as set out in section 6 of the Children, Young Persons and Their Families Act 1989 (CYP & F Act), has codified the rights of children and young persons as always having the first and paramount consideration (Children, 1997:2). An absolute guarantee of confidentiality should not be an option for restorative conferences addressing historical child sexual abuse. Confidentiality policies or agreements should accommodate the paramountcy principle of the CYP & F Act. Indeed, confidentiality policies or agreements in any restorative conference should include some sort of disclaimer in the event that any serious crime was revealed. A potential conflict could exist if participants of a restorative conference were to disclose serious criminal offending. Confidentiality agreements, although they might promote truthful discussion, could serve to undermine confidence in the ability of restorative justice to address historical child sexual abuse.

Adult survivors of child sexual abuse commented that many of the principles of restorative justice were subjective and there could be some variance in interpretation between practitioners. They questioned the systems that would ensure abuse of practice could be minimised in processes that were not open to public scrutiny.

Safeguards

Survivors of child sexual abuse were not confident there were sufficient safeguards to ensure the principles of restorative justice could be achieved. Advocates for restorative justice argued that adherence to restorative justice principles would enhance a perception of fairness and justice (Zehr, 1995a; Claassen, 1996; Wright, 1998). These principles included ensuring that a balanced exchange between the offender, the victim, the community and the state occurred and that all participants were treated fairly. A balance must be achieved between the different needs of the various participants, which at times might appear oppositional. Treating all participants fairly might demand that some participants were treated differently to ensure all needs were addressed. This might include identifying underlying reasons for offending, addressing these issues and determining if there was a need for reparation, either symbolic or material. The state and the broader society would be focused on retributive, legislative requirements, and the offender would be focussed

on the avoidance of these requirements. Adult survivors of child sexual abuse indicated that they wanted an explanation for the offending, a demonstration of accountability by the offender, real consequences for the offender, inclusion in the process of justice, and recognition and understanding from bystanders and outsiders. These needs might not be as mutually discrete and as oppositional as they would initially appear. It could be argued that if an offender had agreed to enter into a restorative process, that he or she had taken the first step in the process of acknowledging accountability. Furthermore, it would be likely that he or she has pleaded guilty and has accepted that imprisonment might be a likely outcome. Therefore meeting the needs of victims, as identified by adult survivors of child sexual abuse, could satisfy the needs of all parties.

Survivors of child sexual abuse expressed concern that consistency of practice might be difficult to achieve within a flexible process that would lack public oversight and scrutiny. Interpretation of subjective practice issues such as voluntary participation, neutrality and impartiality might vary between restorative justice practitioners who have been relatively autonomous. The most effective safeguard restorative justice would have access to would be the selection and training of restorative justice practitioners. Marshall (1999:27) argued that practitioners should be selected for such qualities as empathy for different kinds of people, patience, ability to empower weaker participants, and the ability to remain calm and uninvolved in emotional situations. He commented that these skills would be evident in people across the population and were not necessarily related to educational levels. Adult survivors of child sexual abuse would not disagree with Marshall, but many survivors commented that it would be inappropriate for practitioners to have a background of serious criminal offending. There has been little debate in the literature regarding the selection of restorative justice practitioners with criminal convictions.

Marshall (1999:27) noted that relevant components of training for restorative justice practitioners were distinct from, but overlapped with, counselling and social work skills. He argued that training must include awareness of the implications their influence could bring to the process of restorative justice. He also emphasised the necessity for a continuous process of ongoing development of skills through practice and professional discussion. Survivors of child sexual abuse commented that

specialist training would be required for those practitioners intending to facilitate restorative conferences for historical child sexual abuse. Given the rapidity of the development of Stockholm Syndrome (Graham et al., 1994:17), restorative justice practitioners could be similarly affected by Stockholm Syndrome (Goddard and Tucci, 1991:7). If practitioners were not aware of factors affecting their interactions with the offender this could lead to poor decision-making and limit their capacity to assess the level of risk to other bystanders. Therefore, training must also include the dynamics of child sexual abuse, the recovery process and the implications of Stockholm Syndrome, not only as it might relate to victims of child sexual abuse, but also the effects this syndrome could have on restorative justice practitioners. Victims of child sexual abuse would require assurances that the selection and training of restorative justice practitioners was rigorous and well developed.

Finally, adult survivors of child sexual abuse noted that restorative justice practitioners did not have membership of an organisation similar to those of other professionals that provide oversight to the professional practices of its members. Survivors commented that minimum standards of practice and equality of outcomes could differ between practitioners and regions. Oversight would promote adherence to nationally developed codes of ethics and minimum standards of practice thereby avoiding the development of localised justice and enhancing the perception victims, offenders and society might have regarding the ability of restorative justice to address historical child sexual abuse.

The associated practice models of restorative justice have not been developed sufficiently to address the complexity of historical child sexual abuse. However restorative justice would appear to be sufficiently flexible to incorporate the concerns of adult survivors of child sexual abuse. Safeguards must be developed and implemented nationally to ensure that the process and its practitioners are monitored. Until such time that victims of child sexual abuse could be confident that a consistent, reliable and professional service could be provided, they would be unlikely to endorse restorative justice as a model in which they could pursue justice.

Conclusion

Societal acceptance of restorative justice as a process to deal with the aftermath of serious offending, such as child sexual abuse, would be dependent on a reliable and consistent service delivery. Although the informal structure of restorative justice has enabled creativity and flexibility in dealing with the aftermath of crime, an informal structure could be powerless to deal with the issues it might confront as it addressed historical child sexual abuse or other serious offending. A critical analysis of the concepts of a negotiated community response and the transfer of power highlighted that there were some limitations to the potential of restorative justice in its current format to address historical child sexual abuse. Although restorative justice aimed to empower victims, this appeared to be based on a premise that a condition of equality pre-existed the criminal activity. Furthermore, there appeared to be an assumption that the victim and the offender were unknown to each other prior to the criminal offending.

Child sexual abuse, as an abuse of power within a powerful bi-directional relationship, negated any notion of pre-existent equality. Complicating this disadvantage would be the additional power imbalance existent between men and women within a world that has been predominantly defined by men. This deeply entrenched power imbalance could preclude any assurance of formal equality, let alone substantive equality. Codes of ethics, minimum standards of practice and the development of best practice models would be essential for consistency of service delivery at a national level and the credibility of restorative justice to address the complexity of child sexual abuse. However, despite its flexibility, the fragmented delivery of restorative justice in New Zealand and its lack of formal structure could inhibit its development as a coherent model for addressing historical child sexual abuse. Adult survivors of child sexual abuse considered justice too important to be left to the vulnerability of voluntary groups. In the next chapter I will explore a series of options within an integrated model for justice that could offer a compromise between restorative justice and the traditional criminal justice system.

Chapter 10

An Integrated Model for Justice

Introduction

The economic consequences of child sexual abuse, as discussed in chapter four of this thesis, suggested that the costs to victims, offenders, their families and the broader society could be substantial. The responses of adult survivors of child sexual abuse suggested that recovery and the experience of a sense of justice were inter-related. Further, it was determined that a relatively small number of offenders could be responsible for a relatively large number of victims. It would seem that if victims of child sexual abuse could experience a sense of justice their personal recovery could be facilitated thereby lowering the consequences of sexual victimisation. However, the complexity of recovery and the implications of Stockholm Syndrome highlighted that adult victims of child sexual abuse could be reluctant to criminally report. If this reluctance could be overcome, significant savings might be made, but more importantly it could be possible that criminal reporting might result in the avoidance of new victims within a family or social system. Although adult survivors of child sexual abuse were hesitant to endorse restorative justice, it was identified in the previous chapter that practice models could be devised that might negate their concerns. The challenge for any model for justice would be to devise a model that would enable victims of child sexual abuse to criminally report.

There has been no body of literature to provide information on how procedural justice could be shaped so that victims of child sexual abuse might be encouraged to criminally report. A model for justice not only should embody the understandings of justice held by adult survivors of child sexual abuse and accommodate their specific concerns, but also it should recognise the potential existence of a powerful, bi-directional relationship. At the same time, a model for justice must be acceptable to the broader society. The crime of child sexual abuse would be too serious and the potential risk to vulnerable children too great, to dictate that an alternative process

must have oversight from the existing criminal justice system. An integrated approach to justice, similar to that of the Youth Justice system, could meet these challenges.

The model described in this chapter has attempted to incorporate rehabilitation, restoration and retribution to provide an integrated model for justice that might encourage adult victims of child sexual abuse to criminally report. It has not been my intention to argue that this model would be the ultimate model for addressing historical child sexual abuse. I have attempted to demonstrate that restorative processes would be sufficiently flexible to accommodate the concerns identified by adult survivors of child sexual abuse. In so doing, I have presented a model that could provide a starting point for debate that might enable the construction of practice models which would encourage adult victims of child sexual abuse to criminally report, provide them with a sense of closure and minimise any risk to potential victims.

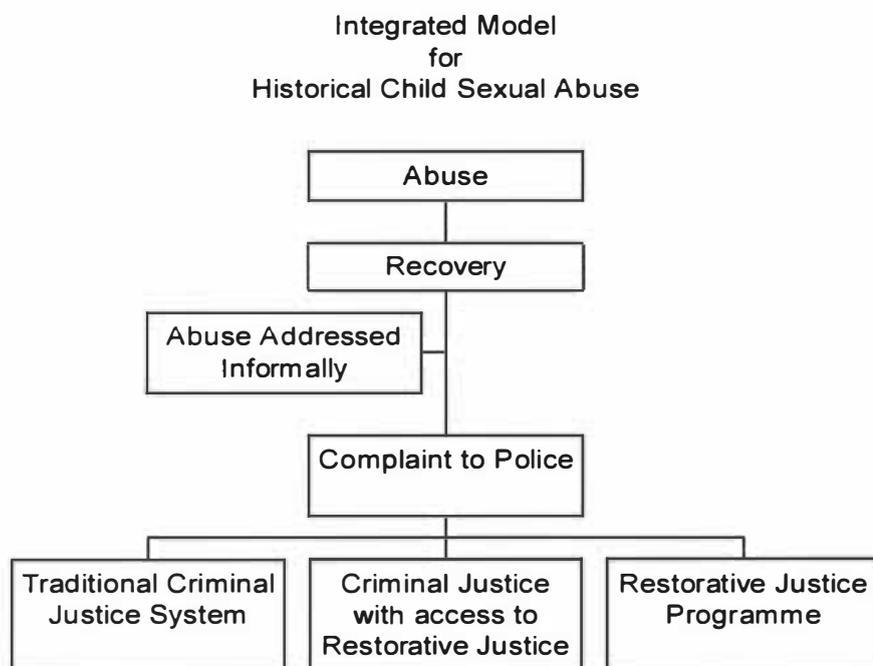
In the absence of a body of literature, I have analysed the programme of the Hollow Water First Nation of Manitoba, Canada and have adapted this programme to the New Zealand environment. Before reviewing this programme I will provide an overview of an integrated model for justice.

An Integrated Model for Historical Child Sexual Abuse

The model for an integrated system for justice would enable victims to choose a pathway through the criminal justice system that best reflected their circumstances. In this way victims and offenders could define the role of restorative justice. The model outlined in *Figure 10.1* (page 283) would offer three choices to those victims who might criminally report. It would recognise that some victims of child sexual abuse could address victimisation informally by self-referral to a community based restorative justice group or other organisation that might facilitate meetings between the offender and victims. Such victims might or might not choose to criminally report at a later date.

The first option would be the traditional criminal justice system, which would remain in place for those victims who chose to pursue justice in traditional forums and, as there have been no changes proposed, no further explanation has been provided. The second option would be the navigation of the traditional criminal justice system with access to restorative conferences as an adjunct to traditional processes. The third option would be a restorative justice programme, incorporating restorative justice, rehabilitative justice and retributive justice: a hybrid model for justice. The traditional criminal justice system would provide structure, credibility and oversight to the two additional options contained within an integrated model. An integrated model for justice could be more acceptable to the broader society of New Zealand, a society that has appeared to support a tougher response to criminal offending.

Figure 10.1: Integrated Model for Child Sexual Abuse



Each of these options would be initiated by a formal disclosure to the police. The Sexual Abuse Team (SAT) would become involved immediately and the various options explained to victims who would have time to consider which option they preferred to follow. Members of the SAT team would have specialised training in the

recovery process and the implications that Stockholm Syndrome might have for victims reporting historical child sexual abuse. As the needs of victims and their motivations for criminal reporting would vary, each case must be viewed as a unique set of relationships. It would be at this time that a justice system must be at its most flexible. The framework for recovery⁵⁵, which was outlined in an earlier chapter, would alert representatives of justice agencies to the issues victims were confronted with. Although it would be impossible to predict which options victims might opt for, the restorative justice programme could have appeal to female victims of child sexual abuse who had been subjected to an ongoing abusive relationship within the context of their family. Jessie Anderson's team (1993:917) found some evidence among the sample of participants in the Otago Women's Health Survey that women favoured a therapeutic approach as opposed to a punitive solution. Conversely those victims who did not have a familial relationship with the offender might opt for the traditional criminal justice system with access to restorative justice.

The preparation of intending participants would be vital to the success of any restorative conference. They must be informed of the underlying philosophy of restorative justice, its role in an integrated model for justice and the objectives for the particular conference. As I describe the second option in the integrated model for justice I will outline the possible objectives for various conferences. Moreover, informed by the complexity of the recovery process, I will highlight the difficulties that could be anticipated.

Option Two: Criminal Justice with Access to Restorative Justice

In this option the role of restorative justice would be limited to that of an adjunct to traditional criminal justice processes. Restorative conferencing could occur at any point in the traditional criminal justice system, irrespective of whether offenders have entered guilty or not guilty pleas, and could be initiated by either victim or offender. *Figure 10.2* (page 286) has indicated the points within the traditional criminal justice system where a restorative conference could be convened. There would be three important distinctions between these restorative conferences. The first

⁵⁵ Refer to Chapter 7: Recovery.

distinction would be the criminal record of the offender. Although a previous criminal conviction would not preclude a conference, practitioners should ensure that intending participants were fully aware that a restorative conference might have limited influence on sentencing options if the offender had a background of habitual offending.

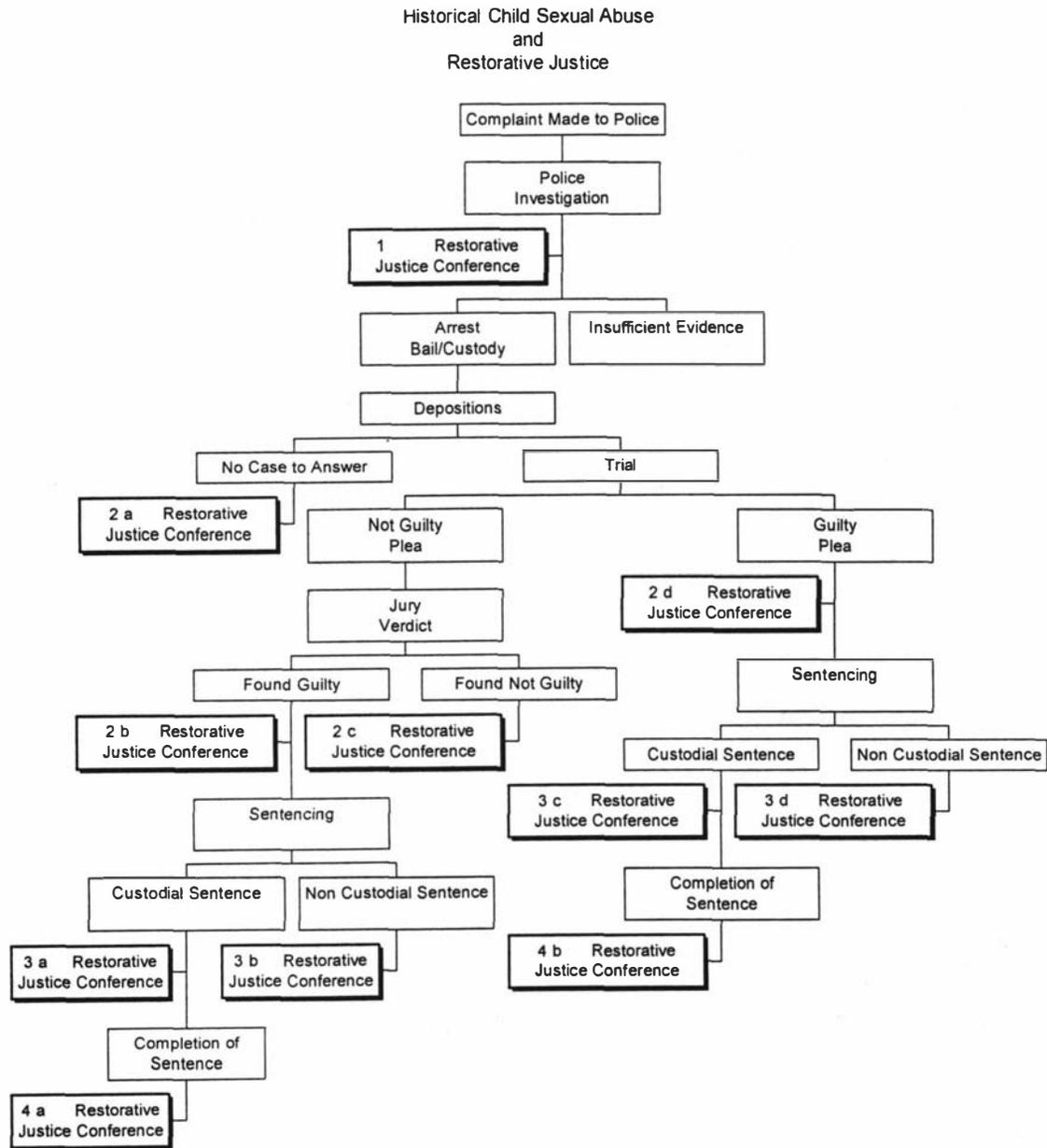
The second distinction would be between guilty and not guilty pleas. Denial of guilt might be due to elaborate constructions of denial maintained over decades, a legal strategy to avoid a custodial sentence, or in response to a false allegation. A restorative conference could offer the opportunity to challenge the cognitive distortions of the offender and his or her supporting bystanders and enable the adult victim to speak to their reality in their own words. An offender who had entered a plea of not guilty might wish to explain to the victim his motives for so doing. A not guilty plea could indicate that the offender and his defence counsel were putting the evidence of the prosecution to the test, the legal test of determining guilt beyond all reasonable doubt.

The third distinction would be between those conferences convened prior to the trial and those convened after the trial was completed. Pre-trial conferencing could sufficiently empower any other victims within the family network to disclose child sexual abuse, thereby adding weight to the charges. However, information sharing by an offender could be limited. Given the confidentiality issues⁵⁶, legal counsel would advise an offender against participating in a pre-trial restorative conference or at the very least would advise against any information disclosure that could be used against him in criminal proceedings. While pre-trial conferencing could eliminate any vexatious charges or false allegations, it could inadvertently serve to revictimise the victim. Defence counsel might discover information about the victim that could be successfully, but inappropriately, used in the courtroom. These concerns could be minimised if officers of the court, police representatives and defence counsel were excluded from pre-trial conferencing and issues regarding confidentiality within restorative conferences were legally clarified. However, exclusion of officers of the

⁵⁶ Refer to Chapter 9: Restorative Justice for a complete discussion on confidentiality.

court could raise concern for the safety of victims in some instances. Careful consideration should be given to the advisability of pre-trial conferencing.

Figure 10.2: Option Two – Traditional Criminal Justice with access to Restorative Justice



Restorative conferences convened after a trial would not experience the same restraints and would be similar to those involving offenders who have entered a guilty plea. This would enable a restorative conference to commence from a point of acknowledged guilt, albeit in the legal sense. The aim of restorative conferencing would be to continue the deconstruction of any denial system, to challenge the cognitive distortions of the offender and his or her supporting bystanders and to provide an opportunity for the offender to assume responsibility and accountability for his offending. The results of such conferences could provide the victim with an experience of justice and a sense of closure. The outcomes of pre-sentencing conferences could be reported back to the court to provide information for sentencing or, in the event of not guilty verdicts, could assist with the process of enabling both victim and offender to co-exist within any shared communities. In some instances restorative conferencing could prepare the victim, the offender and their families for the next stage of the criminal justice system, such as release from prison, or could monitor agreed outcomes throughout the probation period.

Some pathways through the model offer the possibility of up to four restorative conferences. It would be unlikely all opportunities would be taken up, although more than one restorative conference could be convened within any one pathway. The process of restorative justice would not only be a process for justice but could also be one of education, in that it could inform the affected community or family system of the pattern and dynamics of the offending. Information regarding the motivation for offending could help to protect potential victims⁵⁷. An informed community would be better equipped to minimise the risk that an offender might present to potential vulnerable victims and would be better able to support known victims. Finally restorative conferencing could enable the victim and offender to co-exist in a shared community.

The third option within the model would be the restorative justice programme. If both victim and offender agreed, a series of restorative conferences could effectively address issues of historical child sexual abuse utilising all three elements of justice in a hybrid model for justice: restorative justice, rehabilitative justice and retributive

⁵⁷ Refer to Chapter 1: Definitions and Concepts for a discussion on motivation for offending.

justice. Before discussing a hybrid model for justice that might be appropriate for Aotearoa New Zealand, I will first discuss a similar hybrid model that has contained some of these features and has been used within a First Nation community in Manitoba, Canada.

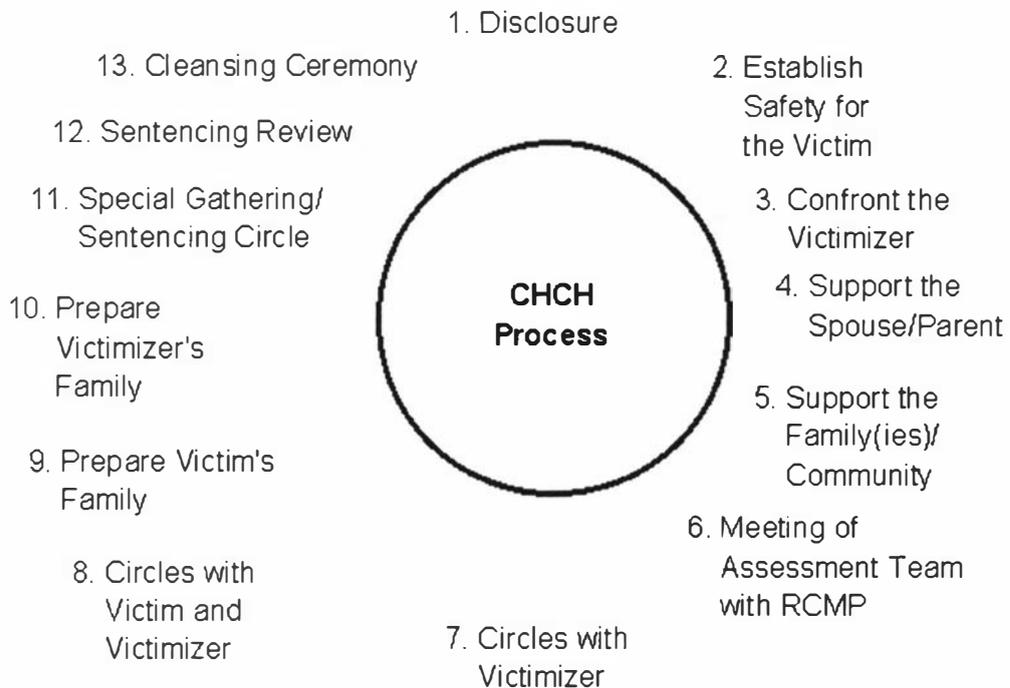
Hollow Water

A multi disciplinary team developed an holistic restorative programme, emphasising individual and community healing, to address an intergenerational cycle of child sexual abuse within the Hollow Water First Nation of Manitoba, Canada: a community of approximately 600 people situated east of Lake Winnipeg. In 1984 a resource team, investigating youth problems, changed their focus when they received a disclosure of child sexual abuse (Linden and Clairmont, 1998:36). Their investigations revealed that an estimated 80 per cent of the Hollow Water community had been sexually abused as children by offenders who were mostly family members. It was further estimated that 50 per cent of the population were abusers. The team realised that a conventional response from the criminal justice system would result in a high proportion of the population being incarcerated, causing devastation to the community. The programme they developed was based on the indigenous understanding of the sacred circle, that people were part of a supportive circle (Aboriginal Corrections Policy Unit, 1997:89).

By 1995, over 100 victims and offenders and more than 200 of their relatives had commenced the thirteen step programme, anticipated to take several years to complete (Linden and Clairmont, 1998:36). It has required a high level of input from the victim, the offender, their families and the community, and has used a number of different treatment approaches including individual counselling and traditional healing methods (Linden and Clairmont, 1998:58). Professional clinical support has been available for victims and offenders and either party had the option of returning to the formal justice system. This option has been utilised if victims were not comfortable with the community based process, if offenders have continued to offend, or have not adhered to community imposed dispositions. Early research has indicated that the Hollow Water programme has been successful in that recidivism rates have appeared to be low and the incidence of child sexual abuse has appeared to

drop from an estimated 80 per cent to 30 per cent (McElrea, 1996:5). However, research has yet to determine its acceptance with victims.

Figure 10.3: Community Holistic Circle Healing – The Process



Royal Canadian Mounted Police (RCMP)

(Aboriginal Corrections Policy Unit, 1997:92)

Hollow Water, as a small isolated community, lent itself to supporting victims of child sexual abuse and demanding accountability from offenders. The programme might not be as successful if it were transferred to an urban-based population and would require substantial commitment from victims, offenders and their families. A community of interest, drawn from relevant community groups and family networks, might provide the necessary support that could enable victims of child sexual abuse to overcome their reluctance to criminally report. As in the Hollow Water model, the criminal justice system would provide structure and oversight to third option within the integrated model for justice.

Option Three: A Restorative Justice Programme for Aotearoa New Zealand

A series of restorative conferences could commence from a point where there had been a disclosure of historical sexual abuse by a victim, a subsequent investigation by the police had provided sufficient evidence to proceed with an arrest, an admission of guilt had been made by an offender, and a prima facie case had been established: that is, a judge had determined there was a case to answer. Many legal formalities could be completed by a series of hand up reports to a judge in the district court or a justice in the high court, the results of which would be entered in the official records of the court.

The possible steps of a programme similar to that of Hollow Water would be as follows:

- 1. Disclosure:** A disclosure to the police by an adult victim of child sexual abuse would be passed immediately to the Police Sexual Abuse Team (SAT). A member of the SAT team would be selected based on gender and cultural affiliations. The SAT officer taking the initial statement would explain all options available within the integrated model and seek their permission to initiate the programme.
- 2. Establish safety for the victim:** The SAT officer would establish the immediate safety of the victim and advise the programme team accordingly. Given that disclosing victims would be adults addressing historical child sexual abuse, immediate safety might not be an issue as it would be if a child were to disclose sexual abuse. However, the adult victim might need information regarding emergency access to counselling, which would be provided by the SAT officer.
- 3. Investigation:** A police investigation would be conducted and a case established. It would be established that the offender did not have previous convictions related to the sexual abuse of children. Repeat offenders would be dealt with by the traditional criminal justice system and the victim would be offered access to restorative justice: option two within the integrated model.

4. **Meeting of the programme team:** A multidisciplinary assessment team would convene a meeting as soon as possible. The SAT officer would automatically become a member of the programme team.
5. **Appoint a case manager:** An appropriate case manager would be appointed, taking into account considerations for gender, age and cultural affiliations. The case manager would request permission from the victim to invite his or her counsellor, if there were one, to join the programme team.
6. **Appoint a key worker:** The case manager would consult with the victim to identify an appropriate key worker. The key worker would become the contact person for the victim and must be available to attend all meetings involving the victim. The purpose of this role would be to provide the victim with a consistent contact person and an independent support person.
7. **Confront the offender:** The SAT officer and a member of the programme team would approach the offender. The programme would be explained to the offender and the support that would be available to him or her outlined. He or she would be required to enter a guilty plea, undergo psychological testing and agree to have no association with the victim. The offender would be encouraged to disclose offending behaviour, to enable any other victims to be identified and included in the programme. The safety of potential victims would be assessed. The offender would be given five days to consider his or her options. If he or she refused to proceed then the traditional justice system would take over. If the offender agreed to proceed, this would be entered into the official court record and an adjournment secured from the court. Team members would accompany and support the offender at any court appearances. Bail conditions would be established and monthly reports would be provided to the court.
8. **Support the families of the victim and offender:** Appropriate support people would be identified for all family members. These might be drawn from various community organisations or from personal support networks.
9. **Work with the offender:** A series of preparatory restorative conferences would be convened with the offender. Initially these would include those team members working with the offender, but would expand to include his or her nuclear family. A further expansion of the participants would include his or her family of origin. Through this stage the offender would commence

attendance at a therapeutic programme. Means testing would determine if funding were required should the offender be unable to self-fund. Offending patterns, or the motivation for offending⁵⁸, would be identified, and the safety of potential victims reassessed.

10. **Work with the victim:** A series of preparatory sessions would be undertaken with the victim. Initially these would include those team members working with the victim and would gradually expand to include family members. The victim would continue with any necessary counselling or therapeutic programmes. Any other identified victims would be included in the programme and they and their families would be provided with the same support that the initiating victim was receiving.
11. **Work with the victim and the offender together:** A series of preparatory sessions would be convened with the victim, the offender, and their team members.
12. **Work with the victim's family:** A series of preparatory sessions would be convened with the victim's family. Education regarding child sexual abuse, victimisation, the recovery process and Stockholm Syndrome would be provided.
13. **Work with the offender's family:** A series of preparatory sessions would be convened with the offender's family. Education regarding child sexual abuse, victimisation, the recovery process and Stockholm Syndrome would be provided.
14. **Restorative conference:** All those involved in the programme, the community of interest, would come together with the victim and the offender to discuss possible outcomes. The team would be expanded to include a probation officer, whose gender and cultural affiliations matched those of the offender as closely as possible. Members of the team could advise regarding statutory obligations in relation to sentencing. A contract would be negotiated between the victim, the offender and their community of interest. This would set out the therapeutic work the offender would continue to undertake.
15. **Restorative conference with the court:** A restorative conference would be convened, which would include all those so far involved in the programme,

⁵⁸ Refer to Chapter 1: Definitions and Concepts for a discussion of motivation for offending.

meeting together with a judge. The purpose of this conference would be for the judge to hear the recommendations of individual participants in the conference, to hear the impact of offending on the victim and the community of interest, to hear the progress to date of the offender and to hear the contract the offender has made with the victim and the community of interest. The judge would determine the sentence within the statutory band of sentencing options. If the judge were satisfied that the offender was working with the community of interest to effect changes in his or her life, custodial sentencing could be at the lower range of sentences, or, alternatively, the judge could impose a suspended sentence.

16. Sentencing review: At intervals determined by the court, restorative conferences would be reconvened to assess progress and to determine if the offender were meeting the agreed outcomes. Reports of these conferences would be provided to the court. If the offender were not maintaining his or her commitment to the programme, he or she would be required to complete the sentence in custody. Sentencing reviews would be continued for the duration of the suspended sentence or until the probation period was completed.

If the offender did not comply with probation restrictions or sentencing outcomes during the period of the suspended sentence or parole, the traditional criminal justice system would take over. Progress through the programme would be dictated primarily by the readiness of the victim to proceed. Readiness could be assessed on two levels: the readiness of the victim and the victim's assessment of the readiness of the offender. This assessment combined with the assessment of members of the team would determine the progress through the programme. If the team considered more time was required to prepare the victim or the offender for the restorative conference with the court, a request could be made to the court for an extension of the adjournment period. Although it might seem that this programme could have unrealistic demands on the time of participants, it should be remembered that the traditional criminal justice system has been similarly time consuming for all parties.

The success of an integrated model for justice would be dependent on a variety of factors. They would include a recognition that retribution, rehabilitation and

restoration could successfully work together. Unless sufficient resources were committed the two alternative options within the integrated model for justice would collapse. Funding would be required for development, implementation and day-to-day operations of the integrated model for justice. It would also be necessary for ongoing evaluation and research to determine the success of the integrated model for justice, its long-term impacts on recidivism and its acceptance by victims of child sexual abuse and the broader society.

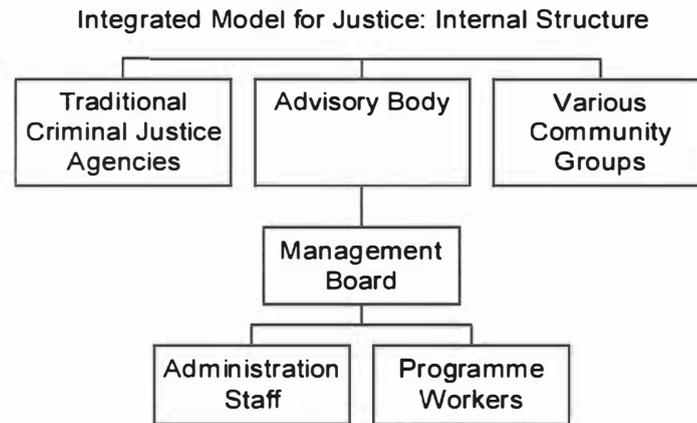
An integrated model for justice would require a framework that would facilitate the development of services that were both coherent and reliable. The following discussion will outline a framework that could be constructed based on a co-operative partnership between community groups and traditional criminal justice agencies.

A Framework for An Integrated Model for Justice

The alternative options identified in the integrated model for justice would be delivered within the existing structure of the traditional criminal justice system. Representatives of the various criminal justice agencies combined with representatives of community groups would form an advisory body from which a management board would be selected to provide oversight and administration of both options identified in the model. This framework has been depicted in *Figure 10.4* (page 295).

The management board would include representation of both criminal justice agencies and community groups, reflecting expertise of traditional criminal justice procedures, restorative justice and historical child sexual abuse. The initial function of this board would be to determine, with oversight and direction from the advisory body, the practice models, guidelines and protocols required for the various processes within the alternative options and to determine the prerequisites for entry to the restorative justice programme. Once these were established and accepted the management board would recruit and train the personnel in the various roles that would be required. Community awareness programmes would be conducted regarding the two alternative options within the integrated model for justice.

Figure 10.4: Framework for the Internal Structure of an Integrated Model for Justice



The second and third options within the integrated model for justice would require trained restorative justice practitioners with specific expertise in the dynamics of historical child sexual abuse and the complexity of recovery. The third option would require an additional variety of personnel with a range of skills. The management board would be responsible for the development of a pool of people to provide a variety of expertise, who would be drawn from existing criminal justice agencies, community groups and experts within the community on a fee for service basis. If practitioners were to receive remuneration, the integrated model for justice would be better positioned to demand accountability and minimum standards of performance. Should any formal organisations be established to provide professional oversight to restorative justice practitioners, the advisory body would determine if membership of such an organisation should be a prerequisite requirement for all restorative justice practitioners.

The management board would be responsible for monitoring practice to ensure all pre-determined policies and protocols were adhered to. The board would convene regular meetings and workshops for ongoing professional development and to further refine practice issues. Although evaluation of the alternative options within the

integrated model for justice would be contracted to external evaluators, the management board would be responsible for ensuring evaluators have access to the various participants in both alternative options and would provide feedback to those working with victims and offenders to ensure ongoing programme development. Throughout all phases of the development, implementation, management and monitoring of the integrated model for justice, the advisory body would provide oversight and direction to the board of management.

In the previous chapter, principles central to restorative justice and related practice models were discussed in the context of historical child sexual abuse. Adult survivors expressed concern as to the interpretation of these principles, suggesting that these could inhibit their participation. Given the subjective nature of these principles, I will clarify their interpretation within an integrated model for justice.

Voluntary Participation

The participation in any restorative justice process would be voluntary, particularly for the victim, and the approval of both the victim and offender would be secured before any restorative justice processes could be initiated. Sufficient information would be provided to intending participants to enable them to make an informed choice. Incentives could be offered to offenders to enter the restorative programme but no assurances would be made that participation might substitute for a custodial sentence. They would be advised that the traditional criminal justice system would deal with any subsequent complaints that might be made by other victims in relation to historical child sexual abuse, therefore it could be to the offender's advantage to disclose the full extent of offending.

Neutrality and Impartiality

Restorative justice practitioners would be neutral in that they would have no previous relationship with any of the potential participants: victim, offender or those who make up their communities of interest. Restorative justice practitioners would have sufficient information and contact with the victim and offender prior to any conference to ensure they have an understanding of the dynamics of the particular

relationships. At all times practitioners would endeavour to deal with participants in an impartial manner. The sexual abuse of children has been defined as serious offending and participants in any restorative justice process within the integrated model would not be encouraged to maintain any other understanding. Intervention might be necessary and restorative justice practitioners would have a developed repertoire of techniques available to them to maximise the potential for realising substantive equality and an experience of justice.

Confidentiality

In the integrated model for justice anonymity, or name suppression, would not be guaranteed to offenders but would be guaranteed to victims should they so choose. Ensuring anonymity for victims could dictate that name suppression would be applied to those offenders, who if they were identified, could reveal the identity of individual victims. The various processes within the integrated model would be reported to the courts but the content would remain confidential to the extent that confidentiality in any professional relationship would be protected. Should a team member, a counsellor or therapist consider that any person could be at risk, the court would be advised. All information provided to the court would be entered into the public record.

Measurements and Safeguards

The objective of restorative justice in an integrated model for justice would be to accommodate difference and to achieve equality of outcome: substantive equality. Participants would be regularly consulted to ascertain their experience of justice so that the development of best practice models would maximise the experience of justice for all parties. The development of policies and protocols would provide staff with a framework within which to work. The development and delivery of orientation and other training programmes would ensure that all workers had an in depth understanding of the issues an integrated model for justice might be confronted with. Irrespective of previous training, all potential employees in an integrated model for justice would have orientation training to ensure they had sufficient information on the issues of historical child sexual abuse, the victimisation process, the impacts

of Stockholm Syndrome and the recovery process. This would also include training on the specific practice model that would be adopted for use in the various restorative justice processes available within the integrated model for justice. Ongoing professional training and development would be mandatory for those working closely with victims, offenders and their communities. This group of employees would also have regular confidential supervision for purposes of debriefing and reflection on professional practice.

Meticulous preparation completed prior to the commencement of each and every restorative conference would ensure that all participants understood the aims and limitations of the various restorative justice processes offered by the integrated model for justice. Employees within the integrated model for justice would be held accountable to ensure that follow up procedures were completed. In the integrated model for justice designated staff would keep victims informed of any ongoing processes in which offenders could be involved. Participants would have access to appropriate staff members to discuss any concerns they had regarding practices within the integrated model for justice.

Although a criminal record might not necessarily exclude restorative justice practitioners from facilitating restorative conferences within the integrated model for justice, those who have committed crimes that were categorised as violent crimes or other crimes against the person⁵⁹ would work only in the team environment with the offender. They would not work with victims, they would work along side other practitioners and they would not facilitate any conference in the integrated model for justice. It could be possible that other criminal offending might be similarly identified within the development phase of the integrated model for justice as relevant reasons for exclusion.

⁵⁹ These crime categories include murder, manslaughter, rape, violence against a person, child sexual abuse including attempts, and threats and intimidation (Spier, 1995:28, 30).

Equality and Justice

It has been established that although equality⁶⁰ would be a prerequisite for justice, formal equality would be insufficient to ensure substantive equality. It has also been identified that an Aristotelian approach to equality would treat like persons alike and unlike persons unlike. The differences that would exist between the victim and the offender could be accommodated within the framework of an integrated model for justice, albeit within an existing patriarchal structure. A victim and an offender as unlike persons would be treated differently. An integrated model for justice could therefore realistically work towards achieving substantive equality.

Justice was defined as a singular or universal concept transcending social contexts and underpinned by the principles of equality and fairness⁶¹. An integrated model for justice would enable victims and offenders to define the process that best met their needs, and thus the opportunities to achieve a sense of justice could be maximised within current frameworks. Processes within the model would be sufficiently flexible to accommodate cultural difference. For instance, Marae justice could be used in place of restorative conferencing if both victim and offender were Maori and both agreed to use Marae justice as an alternative to the restorative conferencing model. The same could apply to other cultural processes. An integrated model for justice would be sufficiently flexible to meet the challenge of ensuring equality and delivering justice across difference.

Conclusions

An integrated approach, incorporating rehabilitation, restoration and retribution could meet the underlying needs of victims, offenders and the broader society, negating the tension that has been evident in the traditional criminal justice system. The integrated model for justice has demonstrated not only that the concerns of adult survivors of child sexual abuse could be accommodated within existing frameworks, but also it has demonstrated that victims could be provided with choices. Victims of child sexual abuse, therefore, could define justice according to their specific

⁶⁰ Refer to Chapter 1: Definitions and Concepts for a complete discussion on equality.

⁶¹ Refer to Chapter 1 Definitions and Concepts for a complete discussion on justice.

circumstances. Furthermore, the integrated model for justice could be sufficiently flexible to work towards providing substantive equality and could provide an experience of justice, or substantive justice, to adult victims of child sexual abuse. At the very least it has provided a starting point for debate.

The success of an integrated model for justice, or any other model, would be dependent on its ability to deliver credible and reliable services. This would largely depend on the political will to provide an ongoing commitment to sufficient funding. The model that has been outlined would indicate that the costs of restoring balance to the lives of those affected could be significant. However, the consequences of child sexual abuse suggested that the costs of child sexual abuse to victims, offenders, their families and the broader society could be substantial. The potential savings might also be substantial. Before potential savings could be discussed it would be necessary to have greater understanding of the costs of child sexual abuse. In the next chapter I will explore the costs of child sexual abuse in New Zealand.

Chapter 11

Estimating the Costs of Child Sexual Abuse in New Zealand

Introduction

Victims of child sexual abuse have lived the ongoing costs and consequences of child sexual abuse. Adult survivors of child sexual abuse had an understanding of what these costs and consequences meant and have continued to mean for them as individuals. They spoke of low self-esteem and low self-confidence and how these have impacted on their lives, and the lives of those dependent on them. They believed that avoiding the sexual abuse of one child was of paramount importance. This would not be the language of policy makers. Feelings and beliefs must be translated into the language of funding authorities and people in positions of power, so that policy makers could be better informed of the nature and extent of the problem. A costing analysis of child sexual abuse would assist in assessing the costs that the sexual abuse of children has imposed on victims, survivors, their families and society in general. Furthermore, it would enable a cost benefit analysis of any proposed programme that would attempt to reduce the costs child sexual abuse.

To explore the costs of child sexual abuse in New Zealand, I have used the work of Suzanne Snively (1994), *The New Zealand Economic Cost of Family Violence*⁶², as a starting point. I have drawn on the work of international researchers who have explored the economic consequences and subsequent costs of various forms of violence against women and children⁶³, and have compared this to information provided by the survivors of child sexual abuse who have been involved with so many aspects of this research project. This combination has enabled the construction of a model that has estimated the costs of child sexual abuse in New Zealand.

⁶² Refer to Chapter 4: Economic Consequences of Child Sexual Abuse.

⁶³ Refer to Chapter 4: Economic Consequences of Child Sexual Abuse.

It should be noted that this research project did not set out to determine the costs of child sexual abuse in New Zealand. I invited survivors of child sexual abuse to tell me the impacts sexual victimisation has had on their lives. Most survivors emphasised that the psychological impacts of child sexual abuse impacted negatively on their economic circumstances. Batya Hyman (1993) confirmed that the economic consequences of child sexual abuse were substantial but found some variations between the various categories of child sexual abuse as outlined in earlier chapters: that is, intra-familial and extra-familial child sexual abuse both of which could be with or without force. My contact with survivors of child sexual abuse has heightened my awareness of the difficulties of quantifying trauma. By categorising the experiences of survivors, I was unable to discern any significant differences in the trauma that survivors have been subjected to. It was possible that I did not know the right questions to ask that could have enabled an analysis of consequences relative to the different categories of child sexual abuse. However, the methodology of Hyman's study varied from the methodology of this research project. Hyman analysed a pre-existing data set with a clearly defined research question. I have listened to survivors of child sexual abuse and heard their trauma and pain. This might account for the difference. This difference aside, other researchers⁶⁴ have estimated that the dollar costs of child sexual abuse and other forms of violence against women were significant, not only for victims and their families, but also for the broader society.

Determining the Costs

The construction of a spreadsheet model to estimate the costs for child sexual abuse in New Zealand required several steps. The estimated costs of family violence in New Zealand (Snively, 1994) were deconstructed to unit costs. Each cost was analysed to determine its relevance to survivors of child sexual abuse. If the individual cost was relevant, it was extrapolated over the estimated numbers of child sexual abuse victims. Given the similarity between family violence and child sexual abuse, where possible the percentages of victims determined by Snively (1994) have been used, but applied to the prevalence rate of child sexual abuse, as opposed to the

⁶⁴ Refer to Chapter 4: Economic Consequences of Child Sexual Abuse.

prevalence rate of family violence. Additional costs for adult survivors of child sexual abuse were identified and included. Wherever possible I have used inputs relevant to the New Zealand context. A dollar figure for lost quality of life was determined and extrapolated over the estimated incidence rate of child sexual abuse. Maintaining consistency with the definitions outlined earlier in this thesis, the definition of a child has coincided with the legal age of consent: 16 years in New Zealand⁶⁵.

The calculations were based on the following series of assumptions.

Prevalence rates of child sexual abuse: I determined earlier in this thesis that the findings of the Otago Women's Health Survey, which found a prevalence rate of contact child sexual abuse among the women they studied of 25%, were comparable to the international research (Anderson et al., 1993:914). Hilary Lapsley (1993:viii) in her review of the literature concluded that an appropriate prevalence rate for child sexual abuse in New Zealand was 25% for females and 9% for males. These prevalence rates were applied to the New Zealand population as reported by the NZ Census 1996. It was assumed that for the total population of 3,618,300 a total of 460,210 women and girls and 159,971 men and boys have been sexually abused as children. It was further assumed that in the New Zealand population of 16 years of age or older, of 1,410,363 women, 352,591⁶⁶ have been sexually abused as children, and of 1,322,487 men, 119,024 have been sexually abused as children.

Reporting rates of child sexual abuse: Reporting rates to the police varied considerably in the findings of researchers. Diana Russell (1983) found in her sample that 2% of intra-familial child sexual abuse and 6% of extra-familial child sexual abuse had been reported to the police. Hyman (1993:98) found that 10% of the women in her sample had reported child sexual abuse to the police. The Otago Women's Health Survey (Anderson et al., 1993:915) found that only 7.5% of the survivors in their sample had ever reported child sexual

⁶⁵ Refer to Chapter 1: Definitions and Concepts.

⁶⁶ All calculations in the text have been rounded up or down according to common conventions.

abuse to any investigative authority. Patricia Eastal (1994a:338) found that 20.41% of rape survivors had reported sexual assault to the police. For the purposes of this costing analysis the New Zealand information that related specifically to the sexual abuse of children has been used.

Incidence rate of child sexual abuse: Stefanie Peters, Gail Wyatt and David Finkelhor (1986:17-18) identified an incidence rate of 0.7 new cases per year in one thousand children. This rate was based on the reporting rate in the United States of America for the year ending May 1980. An estimated incidence rate could be derived by assuming that 0.7 cases per one thousand children represented the reporting rate of 7.5%. Children under the age of 16 in New Zealand at the time of the NZ Census 1996 numbered 885,450, suggesting an incidence rate of 620 new cases per year. If this figure represented 7.5% of the true incidence rate, it could therefore be estimated that 8,264 children were sexually abused for the first time in New Zealand each year.

Goods and Service Tax (GST): From an economic perspective GST would be a transfer payment and not a cost. From the perspective of those who purchase goods and services, the GST component would be an additional cost. However, GST as a tax would also be a source of revenue to the government. Snively (1994) did not identify whether the various cost categories were GST inclusive or exclusive. In the costing analysis of child sexual abuse, I have assumed that the unit costs identified by Snively have been manipulated to accommodate the implications of GST.

These assumptions have underpinned the estimation of annual costs of child sexual abuse in New Zealand. A spreadsheet model based on the model developed by Snively (1994) was constructed to extrapolate the costs relevant to child sexual abuse over the estimated numbers of victims as determined by the various rates identified above or as discussed below. Dollar costs have been maintained as identified by Snively (1994). The estimated costing of child sexual abuse in New Zealand should therefore be interpreted as an exploration of the costs based on the value of the dollar in the financial year ending March 1994. With analyses requiring inputs other than

those identified by Snively, I have wherever possible used 1993/1994 figures. In the absence of these I have used the input that was the closest to this period. This approach has enabled the costing of child sexual abuse to be directly compared to the estimated costs of family violence (Snively, 1994). The spreadsheet model constructed for the costing of child sexual abuse could therefore be updated if the model constructed by Snively (1994) would be updated to reflect changing costs.

To enable an understanding of the costs in the current context, all dollar terms have been inflated to 2000 dollars and have been depicted in square brackets following the 1993/1994 dollar term. Statistics New Zealand provided the following formula for inflating dollar values to current terms using the current Consumers Price Index (CPI) (Statistics New Zealand, 2001), where DA is the dollar amount to be inflated:

$$DA \times \frac{\text{LaterCPI}}{\text{EarlierCPI}} = \$\text{Current}$$

LaterCPI is the current CPI, EarlierCPI is the CPI of the historical dollar values and \$Current is the resulting value of the dollar in current terms. Using the conversion tables of the CPI Index provided by Statistics New Zealand the calculation would be as follows:

$$\$1 \times \frac{1046}{912} = \$1.147$$

The CPI Index for March 1994 was 912, for December 2000 it was 1046 and the value of \$1.00 in 1994 had a dollar value in December 2000 of \$1.147. This equation has been used throughout the discussion to calculate current dollar values.

The various cost categories of child sexual abuse have been described in the following section.

Costs to Individuals

These costs, as identified by Snively (1994:35-36), included alternative accommodation costs, legal costs, medical costs, income costs, paid work, loss of

work time, and unallocated costs incurred by death and serious injury. Surcharges related to counselling funded through the Accident Compensation Commission (ACC) although not specifically identified by Snively (1994) were identified as a cost for survivors of child sexual abuse.

Accommodation Costs

Refuge or Emergency Accommodation and Home Purchase: A small number of families would access emergency accommodation or accrue costs related to a home purchase if a child disclosed they had been subjected to sexual abuse. It was determined that these categories were not a cost for survivors of child sexual abuse. These costs were not added to the costing of child sexual abuse.

Private Rental: Snively (1994:35) estimated that 25% of victims of family violence would accrue additional costs related to rental accommodation. It was determined that survivors of child sexual abuse could accrue an extra expense related to rental accommodation. Some of the child sexual abuse survivors involved in this project reported leaving the family home at an early age to avoid ongoing sexual abuse, others have chosen to live alone because of personal safety issues. It was assumed that 1% of survivors over the age of 16 could accrue additional rental costs. This cost has been added to the costing of child sexual abuse.

Legal Costs

This cost category identified by Snively (1994:35) included costs incurred by taking out domestic protection orders, custody disputes and associated legal representation. These legal costs were not a cost for survivors of child sexual abuse and have not been added to the costing of child sexual abuse. However, it should be noted that some survivors of child sexual abuse have pursued a civil action, the costs of which were significant. These costs have not been estimated, as it would be impossible to estimate the number of victims pursuing such action.

Medical Costs

Visits to a General Practitioner and Prescriptions: Snively (1994:35) identified that 57% of family violence victims would make two additional visits to their doctor per year. It was assumed that each visit would result in one prescription. Hyman (1993:112) found that the survivors of child sexual abuse reported on average one more health problem than the women in her sample who did not report sexual abuse as a child. Most of the child sexual abuse survivors involved in this project accessed medical services for what they understood was a consequence of child sexual abuse. It was therefore assumed that victims of child sexual abuse could make the same numbers of visits to doctors as victims of family violence: that is, 57% of all victims of child sexual abuse could visit a doctor twice in a year. Each visit could generate one prescription for drugs. The costs of visits to a doctor and the costs of prescriptions were calculated over the prevalence rate of the total population and added to the costing of child sexual abuse. It should be noted that children and young persons could have these costs paid for them by a third party, such as a parent, other adult, or the state.

Hospital Stays: These costs were identified by Snively (1994:35) as not accruing a cost to individuals. It should be noted that the child sexual abuse survivors involved in this project reported having medical conditions as a consequence of sexual abuse for which they elected private treatment, thereby accruing an individual expense. This cost has not been estimated in the costs of child sexual abuse.

Dental Treatment: The sexual abuse of children, typically, has not been violent to the extent that dental treatment has been required. It was determined that this category was not associated with the sexual abuse of children and was not included in the costing analysis of child sexual abuse.

Income Costs

Income Cost: This cost was identified by Snively (1994:36) as the drop in income victims experienced at the time family violence was acknowledged.

Some child sexual abuse survivors involved in this project reported they were unable to work or worked reduced hours when they first confronted issues related to sexual abuse as a child. Those survivors who were employed, at the time they were confronting such issues, reported that they took this time in the form of paid leave. Although this could represent a cost in that leave could be taken for other purposes, all those in employment could take leave from time to time for reasons other than what it was intended for. Although some victims of child sexual abuse might have depleted paid leave entitlements, this cost was not included in the costing for child sexual abuse.

Reduction in Income to Victims of Child Sexual Abuse: Hyman (1993) identified that the economic consequences for victims of child sexual abuse were profound. She found that victims did not pursue education to the level of women who had not been sexually victimised as children (Hyman, 1993:118), and were employed in lower status positions (Hyman, 1993:125). Within the sample studied by Hyman (1993:128) the mean annual income for victims of child sexual abuse was 90% of those women who had not reported sexual abuse as a child. Victims of child sexual abuse have been disadvantaged in the work place not only because of the psychological impact on their lives, but also because of their lack of formal qualifications. Survivors of child sexual abuse expressed similar understandings regarding their position in society.

It was assumed that every victim of child sexual abuse who participated in the work force could be disadvantaged by a reduction in income. A total of 1,252,767 men and women aged 15 years and over were estimated to be in full time employment in 1996 (Statistics New Zealand, 1998:40). By applying the average of the two prevalence rates of child sexual abuse for men and women, 17%, it could be assumed that 212,970 victims of child sexual abuse were employed in a full time capacity. A total of 378,054 men and women were employed in part time work in 1996 (Statistics New Zealand, 1998:40). It could be assumed that 64,269 were victims of child sexual abuse. The average annual income in mid February 1994, irrespective

of gender or ethnicity, was \$30,510 and the median⁶⁷ part time annual income was \$9,000 (Snively, 1994:48). For the purposes of this costing it was assumed that the annual income for victims of child sexual abuse could be reduced by 10%, \$3,051 and \$900 respectively. This cost was calculated for those victims participating in the work force and added to the costing of child sexual abuse. This cost did not include those victims who were unable to secure employment due to the impact of sexual abuse as a child.

Paid Work Costs

Childcare: This cost was identified by Snively (1994:36) as the costs of childcare incurred whilst the parent was engaged in employment. It was determined that these costs were not a cost for the victim of child sexual abuse. It should be noted that some survivors of child sexual abuse believed that child sexual abuse directly impacted on their ability to maintain a relationship. These survivors subsequently experienced the additional burden of raising children as a solo parent. This cost was not estimated.

Unallocated Costs

Death/Serious Injury: Snively (1994:36) identified that 19 people were murdered in 1993 because of family violence, 8 of whom were children. While some of these children might have been sexually abused their death would likely be categorised as physical violence.

Loss of Victims' Earnings: This cost was partially estimated under the costs to individuals: reduction in income to victims of child sexual abuse.

Loss of Offenders' Earnings: Snively (1994:36) identified this category as those offenders who were incarcerated for murder. In the costing of child sexual abuse this category estimated the drop in income a family could experience when an adult offender was incarcerated for the sexual abuse of a child. In 1994 there were 1,840 convictions for the sexual abuse of a person

⁶⁷ As there was considerable variation between part time incomes, the median income of part time

under the age of 16 (Spier, 1995:41). Snively (1994:42) identified 7,043 convictions related to family violence, which included child sexual abuse. The convictions identified by Philip Spier were 26.13% of those identified by Snively. To enable an estimate of costs for this category I have assumed that 26.13% of those imprisoned for family violence were related to the sexual abuse of children. Therefore it was assumed that 481 families of incarcerated offenders would experience a drop in income of at least \$10,000 per year. If the sentence were less than one year it was assumed that the family affected would not immediately regain a pre-incarceration level of income. For some families of offenders this figure would be substantially higher. These costs were added to the costs for child sexual abuse.

Accident Compensation Commission (ACC)

This cost category was not specifically itemised by Snively (1994). The ACC Annual Report (ACC, 1996:28) commented that in the year ending 1996, ACC had 19,130 active sensitive claims. The report noted that over the preceding years numbers of new claims lodged to ACC had fluctuated. In the financial year ending 1996 new claims totalled 9,982. In the financial year ending 1995 new claims totalled 11,750. For the financial year ending 1994, new claims totalled 10,800. Informal communication with the Sensitive Unit of ACC confirmed that the majority of these claims were related to either historical or current child sexual abuse. The lowest figure, 9,982, was used for purposes of this costing analysis. ACC (1998) reported that for “high impact” claims, the claimant was allocated 20 hours of counselling, and for “low impact” claims, 15 hours were allocated. ACC reimbursed the counsellor but any discrepancy between the charge out rate of the counsellor and the reimbursement rate was the responsibility of the claimant. Hourly charge rates of counsellors varied from \$50 per hour to in excess of \$100 per hour. Survivors of child sexual abuse reported that they were expected to pay a surcharge to the counsellor as their contribution to the costs. The most common surcharge was \$10 per session. These costs were calculated over the number of identified victims for a minimum of 15 hours counselling. Given

employees has been used, as opposed to the average part time income.

that not all sensitive claims would relate to current or historical child sexual abuse the lower number of hours was used to ensure estimates were conservative. This cost was added to the costing of child sexual abuse.

Not all counselling qualified for ACC funding. Some survivors of child sexual abuse reported they had to self-finance counselling. The reasons given were that the sexual abuse took place outside of New Zealand prior to immigration, or that allocated hours had been used. These costs were not estimated.

Government Cost of Healthcare

These costs included the provision of the following services as identified by Snively (1994:37), General Practitioners, Psychiatrists, Community Health/Welfare, Hospital costs, and Child Guidance Clinic. The cost to government of ACC funding was identified as an additional cost category relevant to the costing of child sexual abuse.

General Practitioner

Snively (1994:37) identified that the government subsidy to doctors providing primary health care was \$7 for each visit and \$37 for each prescription. Maintaining consistency with the individual costs of medical care it was assumed that 57% of all child sexual abuse victims could visit their doctor twice a year and each visit could generate a prescription at a total cost of \$44 per visit. These costs were added to the costs for child sexual abuse.

Psychiatrists

Snively (1994:37) identified that 4% of family violence victims visited a psychiatrist 5 times per year at a cost of \$51 per visit. Many survivors of child sexual abuse indicated they had accessed psychiatrists at some point in their recovery process. It was therefore assumed that 4% of child sexual abuse victims over the age of 16 would access a psychiatrist 5 times per year

at a total cost of \$255 per victim. This cost was added to the costs for child sexual abuse.

Community Health/Welfare

Snively (1994:37) assumed that all family violence victims would visit a psychologist or social worker once a year even though they might not acknowledge the reason for the visit. Not all survivors of child sexual abuse reported that they had accessed a community health worker. For the purposes of the costing of child sexual abuse it was assumed that 50% of child sexual abuse victims over the age of 16 would visit a community health worker once a year at a cost of \$51 per visit. This cost was added to the costs for child sexual abuse.

Hospital Costs

Accident and Emergency/Dental Hospital: Costs for the categories of accident and emergency and dental hospital were not included in the costing of child sexual abuse. It should be noted that some children have attended accident and emergency because of sexual abuse. Some survivors of child sexual abuse reported that they had attended accident and emergency as a consequence of child sexual abuse, but to the best of their knowledge these were not recorded as sexual abuse incidents.

Hospital Admissions: Snively (1994:37) identified that 5.6% of family violence victims were admitted to hospital and had an average stay of 6.1 days, giving an average cost per stay of \$3,394. Survivors of child sexual abuse reported relatively low rates of admission to hospital as a consequence of child sexual abuse. It was therefore assumed that 0.2% of all child sexual abuse victims could be admitted to hospital, which was the same rate that family violence victims were admitted to psychiatric hospitals (Snively, 1994:37). These costs were added to the costing for child sexual abuse.

Psychiatric Hospitals: Snively (1994:37) identified that 0.2% of family violence victims were admitted to psychiatric hospitals at an average stay of 23 days giving an average of cost per stay of \$7,180. Many survivors of child sexual abuse reported they had been admitted to psychiatric hospitals. It was assumed that 0.2% of child sexual abuse victims over the age of 16 could be admitted to a psychiatric hospital. This cost was added to the costing of child sexual abuse.

Child Guidance Clinic

Snively (1994:37) identified that 5% of family violence victims under the age of 16 visited a child guidance clinic twice per year at a cost of \$51 per visit. Some survivors of child sexual abuse involved in this project reported that they had attended child guidance clinics available to them at school. It was assumed that 5% of child sexual abuse victims under the age of 16 could access clinics at a total cost per victim of \$102, even though the reason might not be known at the time. This cost was added to the costing for child sexual abuse.

Accident Compensation Commission (ACC)

To maintain consistency with the individual costing for child sexual abuse above, it has been identified that ACC has funded a minimum of 15 counselling hours for 9,982 new cases per year. It has also been identified that the reimbursement rate to counsellors was \$50 per counselling hour. These costs were added to the costing of child sexual abuse.

Lump sum compensation from ACC was discontinued as a result of changes made in the ACC Act 1992 and was not included in the costing of child sexual abuse. The ACC independence allowance was not included in the costing of child sexual abuse although it should be noted that 2 survivors in this project were in receipt of an ACC independence allowance.

Government Cost of Welfare

These costs included community funding related to family violence in the Department of Justice and the Department of Social Welfare as identified by Snively (1994:39). This included such services as Rape Crisis, Women's Refuge, Marriage Guidance, Children and Young Persons Service and Income Support Services.

Department of Justice

Snively (1994:39) identified this category as the community-programme funding schedule: that expenditure related to the purchase of specific services from non-government organisations. As such programmes included sexual abuse rehabilitation programmes and male violence prevention programmes, this category was relevant to the costs associated with child sexual abuse. It was determined above that child sexual abuse cases were 26.13% of those identified for family violence. This percentage has been applied to the funding identified as that associated with family violence and was added to the costing of child sexual abuse.

Department of Social Welfare

Women's Refuge: The funding allocated to Women's refuge was not included in the costing of child sexual abuse. It was determined that this was specifically related to family violence. However, it should be noted that women who were victims of domestic violence could also be victims of historical child sexual abuse. This cost was estimated under the category of revictimisation.

Marriage Guidance: Snively (1994:39) did not identify a cost related to marriage guidance funding. Most survivors of child sexual abuse reported they had accessed marriage guidance, or would have if it had been affordable. These survivors understood relationship difficulties to be a consequence of child sexual abuse. These costs were not estimated.

Rape Crisis: The survivors of child sexual abuse did not specifically report contact with Rape Crisis. Jenny Holdt (1998:10) reported in her analysis of the first five years of Rape Crisis that 53% of Rape Crisis clients were raped or sexually abused as children under the age of 12 or 13 years old. Although the statistics gathered by Rape Crisis did not indicate whether child sexual abuse was the initial reason for contact, it would be reasonable to assume that 50% of this funding could be used for issues related to child sexual abuse. Therefore 50% of the funding was added to the costing of child sexual abuse.

Department of Child, Youth and Family (*Previously known as the Children, Young Persons and Their Families Service*): This category was identified by Snively (1994:39) as a percentage of funding related to family violence. The definition of child abuse used by the Department of Child, Youth and Family has included murder, sexual abuse, physical abuse, emotional and psychological abuse and neglect (CYPS, 1997a:10). Not all child abuse would be defined within the context of family violence. Survivors of child sexual abuse did not report any involvement with child agencies. The Business Information Unit of the Department of Child, Youth and Family advised that for the financial year ending June 30, 1999 they received 27,216 notifications of potential risk to children⁶⁸. Of 20,627 notifications that resulted in an investigation, 1,375 children were identified as sexually abused. This represented 6.66% of the total investigations. The other notifications were categorised in the various other forms of abuse or abuse was not found. For the financial year ending 1997, 1,502 children were identified as being sexually abused from a total number of 17,845 investigations: 8.42% of total investigations were related to sexual abuse. For the financial year ending 1997 investigations revealed that 1,804 children were sexually abused from 18,764 investigations, 9.66% of the total investigations related to sexual abuse. These figures have been summarised in *Table 11.i*.

⁶⁸ Personal communication 5/11/99.

Table 11.i: Sexual Abuse as a Percentage of all Abuse

Financial Year	Total Notifications	Investigations	Other Abuse	Sexual Abuse	Sexual abuse as %age of all abuse
1998/99	27,216	20,627	19,252	1,375	6.66%
1997/98	24,358	17,845	16,343	1,502	8.42%
1996/97	23,905	18,764	16,960	1,804	9.66%

(Business Information Unit, Dept of Child and Family, 1999)

These figures indicated a downward trend of children identified as being sexually abused (column 5) while the total notifications of children potentially at risk (column 2) over the three years have increased. This might be a reflection of increased awareness of child sexual abuse in the mid 1990s. From these figures it could not be assumed that child sexual abuse was decreasing. To maintain a conservative approach, an average of these three percentages, 8.25%, was applied to the Department of Child, Youth and Family funding, identified by Snively (1994:39) as related to family violence. This cost was added to the costing of child sexual abuse. This could be underestimated, as the total funding of the Department of Child, Youth and family was greater than that funding related to family violence. Not all cases of child sexual abuse would be categorised as family violence.

Income Support

Hyman (1993:120) reported that the victims of child sexual abuse in her sample were more likely to be unemployed than those women who had not reported sexual abuse as a child. She found that 10.2% of child sexual abuse victims were unemployed at the time of the survey compared to 5.5% of women who had not reported sexual abuse as a child (Hyman, 1993:120). To determine the cost of family violence in this category, Snively (1994:39)

applied the prevalence rate of family violence to the numbers of people receiving the various benefits. To estimate the costs of this category in the costing analysis of child sexual abuse the same approach was utilised. Given that the consequences of child sexual abuse have appeared to impact on education, health, self esteem and confidence, I assumed that child sexual abuse was a major contributing factor to unemployment for victims of child sexual abuse. This cost was calculated by applying the average prevalence rate of child sexual abuse, 17%, to the amount of various benefits paid and was added to the costing of child sexual abuse⁶⁹.

Government Cost of Family Court

These costs identified by Snively (1994:40) included Police callouts related to family violence, domestic protection orders, counselling and court costs such as chambers and mediation, defended hearings and final orders, and costs related to custody and access to children.

Police, Counselling and Court Costs

It was determined that these costs were relevant to victims of child sexual abuse. In 1994, there were 1840 convictions for the sexual abuse of a person under the age of 16 (Spier, 1995:41). As has already been noted above this figure represented 26.13% of the 7,043 convictions identified by Snively (1994:42). By applying this percentage to the 37,144 police callouts related to domestic violence as identified by Snively (1994:13), it could be assumed that 9,704 complaints were made to the police per year which were related to child sexual abuse. This percentage was applied to the cost categories of Police and Court Costs and these costs were added to the costing of child sexual abuse. Costs related to counselling were calculated under the separate category of ACC, Government Costs of Healthcare.

⁶⁹ Although income support would be a transfer payment, it has been paid out of the “public purse”. Social policy has aimed to lower these payments.

Domestic Protection Orders and Custody Hearings

It was determined that these costs were not specifically related to child sexual abuse. However, as previously discussed survivors of child sexual abuse understood these costs as a consequence of child sexual abuse.

Government Cost of Law Enforcement

These costs have included those incurred through the District Court, the High Court and the Court of Appeal as identified by Snively (1994:42). The services identified were, Legal Aid, Community Corrections and Victim Compensation.

Legal Aid

Snively (1994:42) did not include these costs in her costing analysis, as they were unable to be segregated for victims of family violence. The same would be true for victims of child sexual abuse. Snively (1994:42) noted that Legal Aid alone could add \$1.3 million to the costs for family violence. Maintaining consistency with the Family Court costs it could similarly be estimated that Legal Aid could add 26.13% of that identified by Snively, to the costing for child sexual abuse, that is, \$339,690. One survivor of child sexual abuse had successfully pursued civil action. His experience was that the costs of Legal Aid would be deducted from any damages awarded. A lien was made on his property. As he sold the property before receiving the awarded damages, the outstanding Legal Aid costs were repaid out of the proceeds of the sale. This cost was not added to the costing for child sexual abuse.

Community Corrections

Maintaining consistency with the Family Court Costs, it was assumed that these costs would be 26.13% of the family violence costs. This percentage was applied to the four sentencing categories, incarceration, periodic detention, community service and other, to produce 1,840 convictions as reported by Spier (1995:41). Snively (1994:42) calculated incarceration costs as the average cost per stay, which she determined as 15 months with an

annual cost of \$33,000. Snively calculated the cost of periodic detention and community service on an annual basis, which was approximately equal to the average length of sentence of 11 months. These costs were added to the costing of child sexual abuse. The costs of programmes for child sexual abuse offenders offered by the special units, Kia Marama and Te Piriti, were not included.

Victims Compensation

This cost was identified by Snively (1994:18, 42) as compensation paid by ACC. These costs were discussed under separate headings above.

Costs to Others

These costs included the costs to employers and third parties. Employers' costs were incurred through lost working days and loss of productivity. Costs to third parties were identified as the income differential experienced by young people who leave school without completing higher education. (Snively, 1994:68-70).

Employer Costs

Snively (1994:69) identified that employers could lose the equivalent of 25% of 2 days gross wages as lost productivity for those staff who were family violence victims. Survivors of child sexual abuse indicated that this reflected their reality. It was therefore assumed that victims in full time employment could accrue a similar cost and this was added to the costing of child sexual abuse. Estimated numbers of child sexual abuse victims in full time employment were discussed above. Costs for part time employees were not estimated.

Costs to Third Parties

School/Young Leavers: Snively (1994:69) identified that 4,589 young people aged 15 and 16 left school early due to family violence at home. As discussed above survivors of child sexual abuse reported that when they left the family home to avoid sexual abuse they also left school. This cost was not

added to the costing of child sexual abuse as it was accounted for in the category of reduction of income to victims.

Other Costs: As identified above, costs have been accrued when families separate because of a disclosure of child sexual abuse. A parent who has separated from an offending partner or family member living with them could accrue additional costs. These could include accommodation costs, legal costs, income costs and paid work costs. Data was not available to enable a reliable estimate. Therefore these costs were not included in the costing for child sexual abuse.

Estimation of Revictimisation Costs

Russell (1983)⁷⁰ found in her community sample that victims of child sexual abuse were more likely to experience repeat sexual victimisation as adults (Hyman, 1993:22). She found that an average of 50.5% child sexual abuse victims were sexually victimised as adults. Hyman (1993:109)⁷¹ similarly found that victims of child sexual abuse were more likely to experience revictimisation as an adult. She found that 55% of victims were sexually abused as adults and 66% of victims were physically abused as adults. For purposes of this costing and to ensure a credible and conservative estimate, it was estimated that the revictimisation rate for victims of child sexual abuse was 50%. It was further assumed that the costs of physical or sexual violence were similar to the costs of family violence. The percentage of victims estimated to be revictimised were applied to the costs of family violence, as identified by Snively (1994) in the base scenario, and were included as an additional cost of child sexual abuse.

Loss of Quality of Life

Loss of quality of life has been the intangible cost component measuring pain and suffering and subsequent loss of enjoyment of life. This should not be confused with

⁷⁰ The methodology of this study is discussed in Chapter 3: Quantifying Child Sexual Abuse.

the ongoing reduced income that victims of child sexual abuse have experienced, which was estimated above. Snively (1994:36) noted that in 1990 the statistical value of life was estimated to be \$NZ 2 million. Ted Miller, Mark Cohen and Brian Wiersema (1996:14) estimated in 1993 that the statistical value of life in the United States of America was \$US 2.7 million. Miller et al. (1996:9) also estimated that the dollar value of lost quality of life, or intangible costs, for victims of child sexual abuse was \$US 89,800 per victimisation. This estimate was over and above all out of pocket expenses carried by victims of child sexual abuse.

To equate the US dollar value to a NZ dollar value I applied the correlation between the US statistical value of life and the US statistical value of quality of life for a victim of child sexual abuse to the NZ statistical value of life to calculate an estimated NZ value of quality of life for a victim of child sexual abuse. The US value of quality of life was approximately 3.33% of the US statistical value of life. The same percentage applied to the NZ statistical value of life produced a cost of \$NZ 66,519 [\$NZ 76,292] per victimisation. This cost was extrapolated over the estimated incidence rate to produce an annual cost. A victim of child sexual abuse, by definition, has been sexually abused before the age of 16. Given the average life expectancy in New Zealand of a 15 year old, 60.1 years for males and 65.4 years for females, victims of child sexual abuse could expect to live an average of 62.75 years once they have reached the age of 15, irrespective of gender or ethnicity (Statistics New Zealand, 1997). Therefore, the dollar value for loss of quality of life would be \$1,060 [\$1,216] per year, a very conservative annual estimate for the intangible costs of pain, suffering and subsequent lost quality of life.

The monetary value of lost quality of life could increase for victims who have experienced repeat victimisation by the same offender, as has been the case for many victims of child sexual abuse. It has been noted that a victim of child sexual abuse has appeared more vulnerable to repeat victimisation in adulthood. The cost of repeat victimisation was estimated in the revictimisation costs, but it did not include the increased costs of serial victimisation as a victim of ongoing child sexual abuse.

⁷¹ Refer to Chapter 4: Economic Consequences of Child Sexual Abuse.

The Costs of Child Sexual Abuse in New Zealand

The following costs should be interpreted as an exploration of the costs of child sexual abuse in New Zealand based on the above analysis. The total annual costs were \$2,149,337,299 [\$2,465,139,052]. These costs included the additional costs identified for victims of child sexual abuse. These were: the ACC surcharge; reduction in income to victims of child sexual abuse; ACC funded counselling; revictimisation costs; and loss of quality of life.

The estimated annual costs of child sexual abuse have been presented in the following tables. *Table 11.ii* has presented the information in a similar format to that used by Snively (1994) to enable a comparison of costs. These costs were \$982,275,258 [\$1,126,600,790] and could be compared to the costs of family violence as identified by Snively (1994:12) in the base scenario with a prevalence rate of 14%⁷².

Table 11.ii: The Partial Estimated Annual Costs of Child Sexual Abuse in New Zealand

Cost Category	1993/1994 \$ Value	2000 \$ Value
Costs to Individuals	786,588,736	902,162,081
Government Cost of Healthcare	67,171,154	77,040,600
Government Cost of Welfare	89,385,647	102,519,065
Government Cost of Family Court	5,079,746	5,826,112
Government Cost of Law Enforcement	21,378,237	24,519,337
Costs to Others	12,671,738	14,533,594
Partial Annual Costs	\$982,275,258	\$1,126,600,790

⁷² It is interesting to note that these direct costs have contributed to the measure of Gross Domestic Product.

Table 11.iii has included the costs related to revictimisation and lost quality of life. The estimated annual costs of child sexual abuse in New Zealand including both tangible and intangible costs were \$2,149,337,299 [\$2,465,139,052]. These costs should be interpreted as the costs related to the criminal activity of one year, the sexual abuse of children, irrespective of when the cost would be accrued.

Table 11.iii: The Estimated Annual Costs of Child Sexual Abuse in NZ

Cost Category	1993/1994 \$ Value	2000 \$ Value
Revictimisation Costs	617,353,004	708,060,573
Lost Quality of Life	549,709,037	630,477,689
Partial Costs (Table 11.ii)	982,275,258	1,126,600,790
Total Annual Costs	\$2,149,337,299	\$2,465,139,052

The spreadsheet model used for calculating the estimated costs of child sexual abuse in New Zealand has been attached to this document as Appendix ii as a series of tables.

Conclusion

The feelings of child sexual abuse survivors have appeared to be justified. The costs of child sexual abuse in New Zealand could be substantial. Many of the costs identified in the preceding discussion were not calculated. Additional costs not identified could also include the loss to government of reduced income tax on the earnings of victims and offenders that has been caused by a reduction in income, or a loss of income. Furthermore, the dollar costs in this costing analysis were 1993/1994 dollars. There have been substantial increases in the costs of most categories between 1994 and 2000 that might not be accurately reflected by inflating 1994 dollars to 2000 dollars using the CPI Index. Gabrielle Maxwell, Allison Morris and Tracey Anderson (1999:53) identified the annual cost of imprisonment per person as \$138

per day, or \$50,370 per year. Snively (1994:42) identified an average cost for imprisonment at \$33,000 [\$37,849] per year, which was used in this costing analysis. Incarceration costs for sex offenders could be higher than average, due to higher security needs and segregation costs.

This exploration of the costs of child sexual abuse in New Zealand, although it was a conservative estimate, highlighted that the greatest savings could result from the avoidance of child sexual abuse in the first instance. It would be unlikely that this could ever be achieved. Therefore, intervention programmes would continue to be necessary to minimise the consequences of child sexual abuse. The estimated costs of child sexual abuse presented in this chapter have provided a starting point for cost benefit analyses of programmes aimed at lowering the economic costs and consequences of child sexual abuse in New Zealand. In the next chapter I will use these costs to determine if an alternative process for justice could be justified.

Chapter 12

A Cost Benefit Analysis

Introduction

The economic costs and consequences of crime have not only impacted on victims, offenders and their families but also have impacted on governments and the broader society. As the previous chapter has suggested, the costs of child sexual abuse could be substantial. Restorative justice has been identified as an alternative to the traditional current criminal justice system that could lower the costs of crime, and in particular the ongoing and accruing costs of child sexual abuse. Any programme aimed at reducing these costs must be seriously considered, but all proposed programmes would be competing for funding from a finite fund. Funding allocated to one group could limit or deny the funding available to another group. Furthermore, recent trends have indicated a tendency to reduce spending on social services. Therefore, Governments must justify their expenditure of finite resources, particularly with new programmes. To do so, Governments have applied economic evaluation models of cost benefit analysis to justify and determine the future of existing programmes, services and new initiatives (Greaves et al., 1995:3).

Restorative justice would comply with the New Zealand Government's key goals of restoring trust in government, providing strong social services and reducing inequalities (The Treasury, 2001:3-4). The appropriate funding for a parallel restorative justice system would be Vote Courts with an output class alongside Departmental Output Class 3 Case Management: Criminal Jurisdiction. Government departments have been unable to borrow capital and therefore have relied on funding for new projects from either the Crown or internal financing, and through cash reserves or asset sales from the balance sheet (The Treasury, 1998:6). The New Zealand Cabinet [Cabinet Office Circular CO (98) 17] has agreed that any request for a capital contribution should include a strategic business plan and a sound business case (The Treasury, 1998:3). Such a business case must convince Ministers not only

that the Crown should invest capital into the particular government department, but also that the project would conform with the Government's key goals and objectives and the department's core business (The Treasury, 1998:11). The business case must also include an evaluation of the return on investment, related to the direct financial return to the Crown or qualitative benefits to society as a whole (The Treasury, 1998:12). Further it should include a rigorous analysis of the economic costs and benefits, including social costs and benefits (The Treasury, 1998:13). Treasury advised that a net present value (NPV) approach should be used to bring future costs and benefits back to present values, which would enable a comparison to be made between various options (The Treasury, 1998:14). The time value of money (TVM) as described by Jeffrey Hoffer, Joey George and Joseph Valacich (1998:202-209) would be a model for cost benefit analysis in the format preferred by Treasury.

The Time Value of Money

TVM has enabled a comparison between present cash expenditure and future anticipated returns (Hoffer et al., 1998:202). Hoffer et al. explained the concept of TVM by using the example of a car purchase for a total amount of \$4,500 spread over 3 annual payments of \$1,500. TVM could determine the purchase price of the car if the purchaser opted to pay a lump sum at the outset. Most people would prefer to receive \$4,500 today as opposed to 3 payments of \$1,500 spread over 3 years. A dollar today would be worth more than a dollar in a year's time, because it could be invested, realising a return. The interest rate charged for borrowing money or earned for investing money has been referred to as the cost of capital. For TVM calculations it has been identified as the discount rate (Hoffer et al., 1998:203). The formula for calculating the future cost of money in current terms would be:

$$PV_n = Y \times \left[\frac{1}{(1+i)^n} \right]$$

PV_n is the present value of Y dollars n years from now, if i is the discount rate and n is the year number in the anticipated life of the project (Hoffer et al., 1998:203). With this formula, the net present value could be calculated by totalling the present values of costs and benefits for each year ($NPV = PV_1 + PV_2 + PV_3$ etc.) (Hoffer et

al., 1998:203). Construction of such a model would enable a number of calculations to be made which would establish the viability of an intended project.

To analyse the costs and benefits of an alternative process for justice, I have constructed a spreadsheet model, based on the TVM model of Hoffer et al., using the data based on the assumptions outlined below. The logic underlying the model and the formulae contained within it have been tested for accuracy by processing the data provided by Hoffer et al. (1998:204) and examining the results produced by the spreadsheet model with their results. The spreadsheet model as a tool has been proven accurate. However the underlying assumptions of the model could be subject to debate.

Underlying Assumptions to the Cost Benefit Analysis

A cost benefit analysis would require monetary figures for costs and benefits, and estimated numbers of potential users. In 1994, the Ministry of Justice prepared a discussion paper to facilitate public consultation on what was perceived then as a significant new policy of using community group conferences, restorative conferencing, in the adult criminal jurisdiction. A financial costing for a Restorative Justice Pilot, to be run in four centres throughout New Zealand, was completed in October 1997 to support a request for increased capital funding to enable this programme to run through the Department for Courts. It was envisaged that the pilot programme would employ a national office project manager and various support and administration staff at each of the four sites throughout the country. Restorative justice practitioners were to be purchased on a fee for service basis and data for an evaluation were to be collected over a two and a half year period⁷³. Using the Official Information Act, I accessed the financial costing and various reports related to this pilot programme, Cabinet Committee on Health and Social Policy, HSP (97) 137. I have used the costing figures of this pilot programme to derive estimated start up costs and operating costs of an alternative process for justice.

⁷³ Although this programme did not gain the necessary budgetary approval in 1997, it was approved in June 2000 after a change of government.

The benefits and numbers of potential users have been derived from the costing of child sexual abuse in New Zealand⁷⁴, which was based on the work of Suzanne Snively, *The New Zealand Economic Cost of Family Violence (1994)*. Estimation of the intangible costs to victims have drawn on the work of Ted Miller, Mark Cohen and Brian Wiersema, *Victim Costs and Consequences: A New Look (1996)*, with specific reference to their estimates on the value of lost quality of life related to victims of child sexual abuse.

The economic life of a project typically would be determined by the physical or technical life of the major investment items in the project (The Treasury, 1998:36). Therefore the economic life of a project should be used as the analysis period. However, Treasury (The Treasury, 1998:36) commented, “[w]here the project life is greater than 20 years, costs and benefits more than 20 years out have insignificant effects on the economic results of project analysis”. I have, therefore, assumed a project life of 20 years for purposes of this cost benefit analysis.

To maintain consistency with the estimated costs of child sexual abuse, all dollar terms have been inflated to 2000 dollars and have been depicted in square brackets following the 1993/1994 and 1997 dollar terms. Using the conversion tables of the CPI Index provided by Statistics New Zealand, the calculation for inflating 1997 dollars to 2000 dollar values was as follows:

$$\$1 \times \frac{1046}{997} = \$1.049$$

The CPI Index for December 1997, the next quarter after the costing of the Restorative Justice pilot in October 1997, was 997, for December 2000 it was 1046, therefore the value of \$1.00 in 1997 had a dollar value in December 2000 of \$1.049. Current dollar values for 1993/1994 dollars were calculated as described in the previous chapter. These equations have been used throughout the discussion to calculate current dollar values. All dollar values have been expressed in New Zealand currency unless otherwise indicated.

⁷⁴ Refer to Chapter 12: An Estimation of the Costs of Child Sexual Abuse in New Zealand.

Discount Rate of Money

Interest rates or the cost of capital has varied, depending on the state of the economy at the time of the investment. This has been usually thought of as the opportunity cost or the rate of return an investor would expect from opportunities of the same risk (The Treasury, 1998:14). Within the private sector, the weighted average of the costs of debt and equity capital (WACC) would be employed as the discount rate (The Treasury, 1998:51). In the public sector several changes have been necessary, as government departments have not been subjected to corporate tax. Typically the current capital charge rate⁷⁵ has been used for those projects where it was reasonable to assume that the project was of average risk, and where the projected cash flows were stated in real terms: that is, the cash flows did not include an inflation factor (The Treasury, 1998:50). A higher than average risk in this instance was defined as a project that involved a large proportion of activity that was non-core, or involved a different sector to normal business of the department (The Treasury, 1998:44). A restorative justice process would not meet the criteria of a higher than average risk, therefore the project could be considered as average risk. According to a Treasury Vote Analyst⁷⁶, the capital charge rate applicable to government departments was 10%, and he recommended using the same discount rate in this cost benefit analysis. However, it should be noted that from an academic perspective a discount rate of 10% would be considered as excessively high, particularly for programmes that would run for prolonged periods of time.

Treasury⁷⁷ advised that a cost benefit model should be tested using a range of discount rates to determine the sensitivity of the data to a change in discount rate. High sensitivity would indicate the need to use the WACC model to ensure a robust conclusion. A range of discount rates was used to test the model, resulting in minor changes to the various indicators used to analyse the costs and benefits of an alternative model for justice. It could, therefore, be assumed that data in this cost

⁷⁵ The capital charge rate would reflect the cost borne by the Crown as the provider of departmental capital: that is the government's cost of capital (The Treasury, 1998:50).

⁷⁶ Personal communication with a Vote Analyst, The Treasury, NZ Govt. December 1, 1999.

⁷⁷ Personal communication with a Vote Analyst, The Treasury, NZ Govt. December 1, 1999.

benefit analysis had low sensitivity and did not require the discount rate to be calculated by the WACC model.

Estimated Numbers of Potential Clients

The costing analysis of child sexual abuse in New Zealand determined that in 1994, there were an estimated 9,704 incidents of child sexual abuse involving the New Zealand police: that is, 26.13% of 37,144 incidents of family violence were estimated to be reported to the police. The costing analysis also determined that the Accident Compensation Commission (ACC) approved funding for an estimated 9,982 new sensitive cases per year, most of which were for current or historical child sexual abuse. The estimated incidents of child sexual abuse involving the police or ACC included both adult and child victims, but restorative justice, as discussed in this thesis, has been aimed at adult victims reporting historical child sexual abuse. As it was not possible to determine the proportion of adults and children from the available data, I assumed that the potential number of clients of an alternative model for justice could be approximately 10% of those estimated to have involved the police or approved for funding by ACC: that is, 10% of the 9,704 incidents of child sexual abuse, involving the police, could potentially result in 970 referrals to restorative justice, or 10% of 9,982 new cases per year approved for funding by ACC could potentially result in 998 referrals. Given the prevalence rates of child sexual abuse, the estimated referrals would not appear to be unrealistically high; however, to ensure the cost benefit analysis was conservative I have opted to use the lower estimate of 970 potential referrals. Not all potential clients would be suitable for a restorative justice process. Furthermore, not all those who commenced the process would complete the process. The experience of the Te Oritenga Restorative Justice Group⁷⁸ was that 49% of referrals completed the conferencing process. For purposes of this cost benefit analysis it was, therefore, assumed that 49% of referrals to an alternative process, would result in 475 completed restorative conferences per year.

⁷⁸ Personal communication with Anne Hayden, Network Co-ordinator of Te Oritenga Restorative Justice Group, Auckland: October 1999.

Costs

The start up costs and the operating costs of a nation wide restorative justice alternative were derived from those identified for the Restorative Justice Pilot programme proposed in 1997 and have been presented as a series of tables in Appendix iii. As has been noted this programme was not implemented at that time. A change of government saw renewed interest in a pilot programme and a press release by the Hon. Phil Goff, Minister of Justice on the 14th of July, 2000, announced a funding package for a restorative justice pilot programme of \$4.955 million over 3 years. It was anticipated that this pilot would provide restorative conferencing to some 1,200 clients per year. This would suggest that the cost per conference would be \$1,376. The cost per conference would be significantly less than those estimated by the 1997 programme. To ensure a conservative cost benefit analysis I have used those costs determined by the earlier programme. Therefore, in the following analyses, all references to a restorative justice pilot will refer to the programme of 1997.

Start Up Costs

The costing figures for the Restorative Justice Pilot programme identified a range of initial costs necessary for the start up of a pilot programme. The total start up costs, a one off expenditure, for the Restorative Justice Pilot was estimated at \$460,550 [\$483,185]. Most items included in the Restorative Justice Pilot start up costs, such as the development of protocols, development of process and development of educational material and information packs, were not dependent on the potential numbers of clients to whom a system might provide services. Therefore, I assumed that the start up costs, as determined for the pilot programme, would be sufficient to cover all activities necessary prior to the implementation of an alternative process that would provide services to victims of child sexual abuse.

Operating Costs

It was estimated that the total operating costs of the Restorative Justice Pilot over the four years of its operation would be \$5.959 million, providing a service for some 900 clients. It was anticipated that the Restorative Justice Pilot would hold conferences for an estimated number of 900 clients. Each restorative conference held over the

four years was estimated to cost \$7,448 inclusive of goods and services taxes (GST). Treasury (1998:38) advised that all taxes should be included as part of the costs. The working papers related to the costing of the Restorative Justice Pilot indicated that the fees of practitioners were an estimated \$1,000 per client, or 40 hours at \$50 per hour. For the purposes of this cost benefit analysis I have increased the conferencing cost from \$7,448 to \$9,500 [\$9,967] per client, which would allow for an additional two restorative conferences per client. This cost was extrapolated over the estimated number of completed conferences to produce a partial operating cost of \$4,517,212 [\$4,739,221]. Although additional conferences might not produce the same practitioners' fees as the initial conference, any surplus would accommodate other costs that additional conferences could incur. Over time, conferencing costs related to each case could drop as an efficiency factor came into effect, however any reduction in costs would no doubt be taken up by inflation and increases in salaries.

It was anticipated that although 51% of referrals, 495 cases, would not complete a restorative justice process they would incur a cost. An allowance of \$3,000 [\$3,147] per referral was extrapolated over 495 cases to ensure that these costs were accommodated in the operating costs. This cost, \$1,484,712 [\$1,557,682] was added to the partial cost identified above to produce a total annual operating cost of \$6,001,924 [\$6,296,903] for an alternative restorative justice process.

It was intended that the Restorative Justice Pilot would provide the necessary information for a proper assessment of the costs and benefits necessary for informed decision making related to a restorative justice alternative (Cabinet Committee on Health and Social Policy, 1997). A new programme would need constant evaluation and research to determine the most efficient manner of delivery and such issues as best practice. For the purposes of this cost benefit analysis, the anticipated costs of the evaluation programme were included in the analysis of costs of each restorative conference.

Benefits

The New Zealand Ministry of Justice (Cabinet Committee on Health and Social Policy, 1997) noted that the evaluation of overseas restorative justice programmes

suggested favourable results. The Restorative Justice Pilot anticipated that the potential benefits could include the following:

- *Reduced costs to the criminal justice system;*
- *Denunciation of crime;*
- *A decrease in the use of imprisonment and a decrease in the lengths of prison sentence imposed;*
- *Reduced reoffending;*
- *Criminal justice processes more appropriate to Maori and Pacific peoples;*
- *More meaningful victim participation and support within the criminal justice system;*
- *More meaningful community participation in the criminal justice system.*

(Cabinet Committee on Health and Social Policy, 1997:1)

The reduced costs to the criminal justice system in strict economic terms should not be considered as a benefit but as reduced costs. A decrease in the use of imprisonment, length of prison sentences, and reduced recidivism, similarly would reflect decreased costs as opposed to benefits. For the purposes of this cost benefit analysis these savings have represented benefits. However, this would have implications for the benefit-cost ratio, an indicator used by Treasury to assess funding applications. Irrespective of whether these items were calculated as benefits or reduced costs, they could lower expenditure. The remaining benefits anticipated by the Restorative Justice Pilot were intangible benefits and were not converted to monetary terms. The authors argued that these could only be identified on subsequent evaluations of an implemented restorative justice alternative. This would make them no less important and has highlighted the difficulties in analysing costs and benefits in this manner.

The benefits or anticipated savings that could be realised with the introduction of an alternative process for justice were derived from the costing analysis of child sexual abuse in New Zealand⁷⁹. It was assumed that only those clients that would complete the restorative justice process would produce a saving on the costs of child sexual abuse. A description of the various benefits used in this cost benefit analysis will be

⁷⁹ Refer to Chapter 12: An Estimation of the Costs of Child Sexual Abuse in New Zealand for a complete discussion on this costing.

outlined in the following section. The assumptions underpinning the estimated benefits or anticipated savings have been presented as a series of tables in Appendix iii.

Average cost per victim: The average cost per victim was derived from the total costs as identified in the costing of child sexual abuse. This cost included the revictimisation costs but excluded the statistical value of loss of quality of life. These costs were divided by the prevalence of child sexual abuse to produce an average cost per victim \$2,579 [\$2,958]. It was assumed that a restorative justice process would produce a saving for costs related to community corrections. As these savings were calculated separately, the average cost related to Community Corrections, \$34 [\$40], was deducted from the average cost per victim to avoid double counting. This produced a net cost of \$2,545 [\$2,919] per child sexual abuse victim.

Loss of Quality of life: A statistical value of quality of life was derived from the statistical value of life. Snively (1994:36) noted that in 1990 the New Zealand statistical value of life was estimated to be \$2 million. Miller et al. (1996:14) estimated that for 1993 the statistical value of life in the United States of America was \$US 2.7 million. Miller et al. (1996:9) also estimated that the statistical value of lost quality of life, or intangible costs, for victims of child sexual abuse was \$US 89,800 per victimisation. To equate the United States monetary value to a New Zealand monetary value I applied the relationship between the United States statistical value of life and the United States statistical value of quality of life for a victim of child sexual abuse, to the New Zealand statistical value of life⁸⁰. The United States value of quality of life was approximately 3.33% of the United States statistical value of life. This enabled an estimation of the value of quality of life for a victim of child sexual abuse that would be relevant in the New Zealand context. The same percentage, 3.33%, applied to the New Zealand statistical value of life produced a cost of \$66,519 [\$76,292] per victimisation.

⁸⁰ The formula to calculate this was: $89,800/2,700,000 * 100 = 3.3\%$.

Total Costs: The net tangible costs and the intangible costs extrapolated over the estimated 475 victims, who might complete a restorative justice process, produced total costs of \$1,210,052 [\$1,387,845] and \$31,629,289 [\$36,276,575] respectively, from which savings could potentially be made.

Savings on Total Costs: There has been no body of literature to suggest what savings an alternative programme could have on the costs of child sexual abuse. It would not be unrealistic to expect that potential programmes could realise a minimum saving of 10% on the total costs as identified above.

Community Corrections: Savings of costs related to Community Corrections were calculated based on the assumption that each completed conference resulted in a sentence reduction of six months. Therefore, for purposes of this cost benefit analysis, it was assumed that 49% of referrals, 475 conferences, could result in a reduced sentence and produce a saving of \$426,492 [\$489,156]. These savings were calculated based on the costs identified by Snively (1994:42), which were:

- Community Service - \$940 [\$1,078] per year
- Periodic Detention - \$2,325 [\$2,667] per year
- Imprisonment - \$33,000 [\$37,849] per year.

In 1999, Maxwell et al. (1999:53) identified the annual cost of imprisonment at \$50,370 per year, which was significantly more than \$37,849 estimated by the calculations using the Consumer Price Index. The savings identified here could be very conservative, particularly for child sexual abuse offenders who could incur higher imprisonment costs due to higher security needs and segregation costs.

Potential savings on Court Costs: Maxwell et al. (1999) on their evaluation of two programmes that utilised restorative justice processes identified that there have been savings in court costs and other associated costs. Project Turnaround, an adult pre-trial diversion scheme in Timaru, realised estimated savings of \$1,028 per completed case (Maxwell et al., 1999:55). Te Whanau

Awhina realised estimated savings of \$2,840 per completed case (Maxwell et al., 1999:56). The cost of court costs was estimated at \$703 [\$806] per victim under family court services (Snively, 1994:40). As noted above, there have been substantial increases in this category over the past 6 years that have not been consistent with the CPI Index. However, to ensure a conservative estimate of savings on court costs it was assumed that each completed restorative conference could realise a saving of \$500 in current dollar value terms.

Total Costs for One Victim: This category was the average cost per victim of \$69,098 [\$79,250], inclusive of loss of quality of life and costs related to Community Corrections.

Avoidance of One Victim: For every 20 completed restorative conferences it was assumed that a minimum of one offender could avoid victimising one new victim. Given that it was assumed there could be 475 completed restorative conferences, it was therefore assumed there could be an avoidance of 24 new victims of child sexual abuse. The total costs related to the avoidance of victims were calculated as \$1,642,787 [\$1,884,161]. It would be in the prevention of new victims that the most savings to individuals and society could be realised.

Reduced Recidivism: Maxwell et al. (1999:57) found that when compared to matched control groups there appeared to be considerably less recidivism in both Project Turnaround and Te Whanau Awhina. This reduction was identified at the 6 and 12 month evaluations and was too early to be conclusive. A reduction in recidivism could further avoid the victimisation of new victims thereby lowering the costs of child sexual abuse and in the short term this was recognised in the category above: the avoidance of one victim. In the long term, a ripple on effect could take place thereby producing more benefits to society. To ensure that a conservative approach has been adopted, this effect was not estimated for the purposes of the cost benefit analysis.

Results of the Cost Benefit Analysis

The time value for money model was run using the estimated costs and benefits in 2000 dollar values as determined above. Treasury advised that a number of approaches should be taken to establish the relative merits of a proposed project or programme. These have been discussed in the following section.

NPV: The net present value (NPV) of future benefits and costs were reduced to a single present dollar value. The benefits and costs were discounted by the discount value, as discussed earlier in this chapter, to find their present value (PV). The net present value (NPV) was the difference between the costs and the benefits. Treasury would compare the NPV of each proposed project or programme as part of the selection process. The proposal that should be the successful option would be the project or programme with the higher NPV (The Treasury, 1998:46). An alternative programme to restorative justice has not been analysed for presentation in this thesis. Therefore, this approach would be of little value in determining the merit of this particular proposal other than noting that the NPV was positive in the tenth year of operation.

IRR: The internal rate of return (IRR) calculated the discount rate at which the NPV of a proposal would be zero: that is, the point at which discounted benefits would equal discounted costs (The Treasury, 1998:46). Technically the decision on whether or not to proceed would depend on whether the IRR were higher or lower than the appropriate discount rate (The Treasury, 1998:46). If the IRR exceeded the predetermined discount rate, the project would be deemed worthwhile (Pass et al., 1993:132). If the NPV were positive the IRR would be greater than the discount rate. In this cost benefit analysis the NPV was negative for the first 9 years of operation, therefore the IRR was less than discount rate. In the 10th year of operation the IRR was 11% and by extending the model to 30 years, the IRR could be calculated at 16%. Treasury advised that this approach should not be used alone for selection purposes, but as a supporting indicator (The Treasury, 1998:46). An option with a high IRR might not be superior to an option with a low IRR.

The former might produce benefits in hundreds of dollars whereas the latter might produce benefits in millions of dollars (The Treasury, 1998:46).

Discounted Pay Back Period: The discounted pay back period or break-even point determined the number of years required to return the original investment, but did not take account of discounted benefits and costs that occurred after the pay back date or break-even point. Treasury advised that this approach should be used as a support indicator to illustrate particularly high returns or particularly high risks (The Treasury, 1998:46). The cost benefit analysis presented here indicated that a break-even point could be realised in the tenth year of operation. Many of the benefits would take some years to realise and would not be available to stakeholders within the first ten years of operation. Furthermore, long-term programmes would need to update various items, such as information technology, at regular intervals, which might not be achievable without an injection of funding, given that the identified benefits included intangible benefits. It should be noted that the use of discounted benefits and costs produced a conservative approach to determining a pay back period. If the non-discounted benefits and costs were used, the pay back period occurred in the 6th year. Although the pay back period approach has emphasised the high returns, other supporting indicators would be required to determine the merit of this particular cost benefit analysis.

Benefit-Cost Ratio: This has also been known as the profitability index. It was calculated by dividing the present value of benefits by the present value of costs in any given year (The Treasury, 1998:47). The project would be accepted if the benefit cost ratio exceeded one (The Treasury, 1998:46). Applying this approach to the cost benefit analysis presented here produced a benefit-cost ratio that was greater than one in the tenth year of operation. It should be noted that if a benefit was changed to a negative cost or a cost was changed to a negative benefit the benefit-cost ratio would change accordingly and might not meet the criteria of the Treasury.

ROI: The return on investment (ROI), which would relate to the direct financial return to the Crown, could be in the form of capital charge, reduced output

prices or a capital withdrawal. Treasury (1998:12) noted that a direct financial return might not occur in all policy proposals, and in these instances there should be qualitative benefits to the broader society and the costs to the Crown should be minimised. Calculation of the ROI could be calculated by determining the net benefits as a percentage of the initial investment, or the start up costs (Emery, 1991:299). This calculation would indicate that the ROI could be 17%, which would be greater than the discount rate. Determining the ROI could be useful as a supporting indicator if there were competing proposals that required a comparison to be made so that the most appropriate proposal could be selected (Hoffer et al., 1998:203).

The model used for the cost benefit analysis was not sensitive to changes in discount rates, neither was it sensitive to minor changes in the costing analysis of child sexual abuse in New Zealand. Similarly the data was not sensitive to changes in the take up rate and or completion rate. This would suggest that as a model it was relatively robust and the outcomes produced by the cost benefit analysis could be viewed with a degree of certainty and confidence. However the model demonstrated sensitivity if the anticipated savings were marginally increased or decreased. This would suggest that the anticipated savings would be the crucial factor in determining if restorative justice could be cost beneficial. Treasury's (1998:47) advice to vote analysts was to use the NPV approach for assessing cost benefit analyses and to support their analysis with the information provided by the IRR, the pay back period, benefit-cost or profitability index and ROI. In all but one of the support indicators, the benefit-cost ratio or profitability index, the results were favourable in that the analysis suggested that a restorative justice alternative could be approved if an application for funding were made to Treasury. It has been the role of vote analysts to compare the various projects and programmes put forward by government departments for capital funding to determine the best option. The purpose of the cost benefit analysis presented here was not to compare it with other programmes but to highlight that a cost benefit analysis would indicate that a restorative justice process could provide substantial benefits to victims of child sexual abuse and society in general.

The costing for the Restorative Justice Pilot anticipated that crisis counselling could be necessary for some victims. Funds were allocated under the category of Victim

Support Fund. The documentation did not identify any cost categories for outcomes of restorative conferences. An outcome of a conference could result in an offender attending a community based programme, aimed at reducing sexual offending. Implementation of such outcomes might lead to increased demands on community funding for those offenders unable to self-fund programmes of this sort. Outcomes of restorative conferences could be seen to have additional costs for society. Any costs related to outcomes of conferences have not been estimated in this cost benefit analysis and would be essential if a restorative justice alternative were to be successful.

Conclusions

All costing analyses and cost benefit analyses must be based on assumption. For the purposes of this cost benefit analysis using the model for the Time Value of Money the following assumptions were made. A discount rate of 10% was used. It was assumed some 970 referrals could be made for restorative conferencing of which 49% would result in a completed conference. The start up costs were estimated to be \$460,550 [\$483,185]. Each restorative conference was estimated to cost \$9,500 [\$9,967] inclusive of GST and all other operating expenses. An allowance of \$3,000 [\$3,147] was included in the operating expenses to accommodate those that did not complete the process. The annual operating costs for an alternative process for justice, providing a service to some 475 clients, were estimated to be \$6,001,924 [\$6,296,903].

It was assumed that there would be a 10% saving on the costs of child sexual abuse in New Zealand for those victims who were involved in restorative justice processes. It was also assumed there would be savings for Community Corrections resulting from sentences that were 6 months lower and that there would be savings in court costs of \$500 per case in current dollar terms. Finally it was assumed that every 20 restorative conferences would avoid the sexual abuse of one potential victim. The support indicators suggested that that in the long term an alternative process for justice could benefit both victims of child sexual abuse and society in general.

As has been noted, a cost benefit analysis could only be as accurate as the input data. The analysis presented here was based on many assumptions that could be subject to debate. There have been additional costs identified that have not been included in this analysis. However, the thrust of this analysis was to highlight the benefits that could be achieved through an intervention process aimed at lowering the economic costs and consequences of child sexual abuse. The savings that could be achieved by a restorative justice process suggested that the resultant benefits to victims, offenders and society could be greater than the costs of implementing a restorative justice programme. However the particular costs identified for this analysis would require a minimum of a 10% saving for it to be cost effective. Given that the restorative justice pilot programme announced in 2000, has estimated costs that are substantially lower than those of the 1997 programme, the potential savings required for cost effectiveness might also be lower. It would remain to be seen if the new restorative justice pilot programme could achieve its objectives within the budget as indicated by the government's press release in June 2000.

Chapter 13

Conclusions

Introduction

This thesis has aimed to inform policy analysts and funding authorities of the needs of adult victims of child sexual abuse as they pursued justice and recovered from the victimisation they were subjected to as children. To do so, I consulted with adult survivors of child sexual abuse and I listened to what was problematic for them. Survivors of child sexual abuse have experienced a conspiracy of silence that has surrounded the victimisation they were subjected to. Although at times the silence was self-imposed, they learned very quickly that the taboo against child sexual abuse was not in the actions, but in the speaking about it (McNaron and Morgan, 1982:15, cited in Alcoff and Gray, 1993:262). When they have attempted to address the injustice of child sexual abuse through the criminal justice system they learned just as quickly that to break the conspiracy of silence, and speak out, required much courage.

In this final chapter I have summarised the implications that the effects of Stockholm Syndrome and child sexual abuse could have for those who work in the field of child sexual abuse. I have considered the implications this research would have for practitioners of restorative justice and I have identified topics that should be included in training programmes for restorative justice practitioners. I have also highlighted the implications of the costing analysis. Finally, I have identified some areas for further research and have concluded with some final comments on restorative justice. However, firstly, I will summarise the thesis thus far.

Summary of the Thesis

The introductory chapter clarified the various concepts and terminology used in the thesis and reviewed the common definitions of child sexual abuse found in the

literature. My understanding of justice included the need for information, and a demonstration of accountability and responsibility by the offender. I understood equality as that which accommodated difference and provided equality of outcome, or substantive equality. There was no consensus on a unitary definition of child sexual abuse across the literature, which could be problematic for victims of child sexual abuse as they might attempt to identify their realities with those defined by theorists. Although feminist writers have challenged traditional definitions, there appeared to be a tendency to collapse all forms of sexual abuse against children to the one category of child sexual abuse. This, too, might be problematic; victims might not identify with this description for a variety of reasons. For some victims, this description could be euphemistic, for others it might seem extreme. Acknowledgment to self would be a prerequisite to disclosure and recovery. Therefore, I have suggested that a continuum of definitions within a feminist framework would more accurately reflect the many realities of child sexual abuse victims.

An historical analysis established that the sexual abuse of children has been documented throughout the ages. Respected scholars, religious leaders and psychiatrists, by validating the construct of denial and providing alternative explanations for the sexual abuse of children, have contributed to an historical conspiracy of silence. This discussion highlighted that a strong feminist movement has impacted on interpretations of child sexual abuse. The review of mainstream definitions appeared to decentre the offender, focussing on the experiences and characteristics of the offender, the sexuality of the child and the supposed shortcomings of the mother. Further, the offender was not discussed in terms of accountability or responsibility for his actions. Such explanations ignored the deeply entrenched structures in our society that have enabled the sexual abuse of children and have served to minimise the sexual abuse that children have been subjected to, thereby contributing to the conspiracy of silence. By contrast, a feminist analysis confronted patriarchal structures within society and reframed the sexual abuse of children as an abuse of power. Importantly, feminist explanations have enabled victims to identify their experience as abusive, which could have impacts on estimated prevalence rates.

A review of the major studies that estimated incidence and prevalence rates of child sexual abuse found that methodological issues accounted for the discrepancies between the reported findings of various studies. It was also established that these discrepancies, combined with such factors as the influence of Freud and the emergence of debates related to recovered memories and false allegations, have undermined confidence in estimated prevalence rates of child sexual abuse. Suggestions that victims of child sexual abuse could forget the victimisation they were subjected to further confounded these issues. Despite the confused picture these studies portrayed, child sexual abuse has appeared to involve many children in our society. However, this has not been reflected in disclosure rates, criminal reporting rates and conviction rates of child sexual abuse. This could be indicative of the conspiracy of silence, but it could also indicate that victims have not wanted to disclose the sexual abuse they were subjected to as children, particularly those who had a pre-existing relationship with the offender.

Child sexual abuse has not been confined to any particular socio-economic group, it has been quite democratic in its distribution. However, the psychological and economic consequences of child sexual abuse could cause downward social mobility for victims and their families. A review of the economic consequences of child sexual abuse found that victims were disadvantaged in the areas of health, mental health, and education, which have impacted on their economic status. Furthermore, victims of child sexual abuse appeared to be vulnerable to revictimisation as adults. The costs to victims, their families, the state, and society in general would appear to be substantial and would demand that interventions be put in place to minimise the impacts. Such interventions would require a multiple approach. Victims must be supported in their recovery process and offenders must be prevented from sexually abusing more children.

To gain more understanding of the needs of victims in relation to justice, I consulted with adult survivors of child sexual abuse. Utilising a feminist perspective, I clearly positioned myself within the research process and used multiple research methods to gather information. As the researcher, I chose the topic of justice; the responses of those who participated in the project determined the direction of the thesis. Throughout the research process it became increasingly evident that survivors of

child sexual abuse, because of the dynamics of child sexual abuse, were reluctant to criminally report. This reluctance appeared to be complicated by an emotional bond that existed between the survivor and the offender.

I identified that the emotional bond evident between victims and offenders of child sexual abuse was congruent with the powerful bi-directional relationship central to Stockholm Syndrome. Although this relationship could break down over time, the emergence of new knowledge regarding the offender appeared to act as an intervention in breaking down the cognitive distortions between victim and offender. The dynamics of child sexual abuse and the implications of Stockholm Syndrome, could create powerful forces that might impact on the ability of child sexual abuse victims to criminally report offenders. Not all victims of child sexual abuse would be influenced by Stockholm Syndrome; nevertheless, the syndrome could offer valuable insights to those working in the field of child sexual abuse.

Victims of child sexual abuse have not only been recovering from the victimisation they were subjected to as children, but also they have been victims of crime and could be recovering from the effects of Stockholm Syndrome. Complicating the recovery process of child sexual abuse victims were the responses of those people surrounding the victim, identified as bystanders and outsiders. To gain more understanding of the needs of victims of child sexual abuse, I reviewed two models for recovery. The first model described the recovery process from the perspective of a victim of crime. The second model described the recovery process as a victim of trauma. Informed by adult survivors of child sexual abuse, I combined these two models with that of Stockholm Syndrome to provide a framework for recovery that could be particularly relevant to those who might work with victims of child sexual abuse. The resultant framework highlighted that victims of child sexual abuse would eventually seek closure. Included in the need for closure was the need to tell their story, the need to restore relationships with bystanders, the need to educate outsiders regarding the complexity of the issues they were confronting, and, finally, the need to experience a sense of justice. Therefore, criminal reporting could be best understood as a natural progression of the journey of recovery.

The differing perspectives of victims, offenders, bystanders and outsiders, have created a tension within the criminal justice system that has tended to revictimise victims. The responses of adult survivors of child sexual abuse, as they discussed their needs in relation to justice, suggested that for this particular group, justice and recovery were inter-related. Survivors perceived that the criminal justice system would not provide them with an experience of justice. Given the experiences of those who had criminally reported, this perception would appear justified. It would seem that the traditional criminal justice system has been unable to recognise the pre-existing relationships between victim and offender. It would, therefore, be unable to transform such relationships into a state that could enable victim and offender to co-exist in their community. Further, it did not recognise that victims of child sexual abuse could be subject to the effects of Stockholm Syndrome. Survivors explored alternative procedures for justice that might better accommodate their needs, identifying processes similar to those of restorative justice. However, they were reluctant to endorse restorative justice as a process that might encourage them to criminally report.

A critical analysis of the principles of restorative justice highlighted that there were some limitations to the potential of restorative justice in its current format to address historical child sexual abuse. Although restorative justice has aimed to empower victims, this appeared to be based on the premise that a condition of equality pre-existed the crime and an assumption that the victim and offender were previously unknown to each other. Child sexual abuse as an abuse of power negated any notion of pre-existing equality. Furthermore, survivors of child sexual abuse were sceptical that the community of interest could adequately address child sexual abuse given that historically, the same community had been unable to prevent or stop victimisation. However, by analysing associated practice issues, it was determined that restorative justice could be sufficiently flexible to enable the development of procedures that might resolve the concerns of adult survivors.

To demonstrate the flexibility of restorative justice, an integrated approach to justice, incorporating rehabilitation, restoration and retribution provided the basis of a hypothetical model that might encourage victims to criminally report historical child sexual abuse. The provision of three options, the traditional criminal justice system,

court referred restorative conferencing and a restorative justice programme, could enable victims to choose a pathway through the criminal justice system that best reflected their circumstances. It was determined that, by recognising and accommodating the differences between victims and offenders and incorporating the perspective of victims of child sexual abuse, an integrated model for justice could realistically work towards achieving substantive equality. Although the broader society has contributed to the conspiracy of silence, by reshaping the experience of justice, an opportunity exists to redress the injustices that victims of child sexual abuse have experienced. The integrated model for justice offered a starting point for debate that could determine a solution within which the needs and rights of victims, offenders, their communities and the broader society could be balanced.

Acceptance of an alternative process, such as restorative justice, to deal with the aftermath of serious offending would be dependent on a reliable, consistent service delivery. This in turn, would be dependent on the political will to provide sufficient funding, thereby ensuring the development and ongoing maintenance of an alternative model for justice. Given the restraints on funding, it would be necessary to demonstrate that the benefits of implementing an alternative process for justice would outweigh the costs. To determine the potential benefits, I first explored the costs of child sexual abuse in New Zealand. I combined the work of Suzanne Snively (1994), *The New Zealand Economic Cost of Family Violence*, and that of international researchers who have analysed the economic consequences and subsequent costs of various forms of violence against women and children, with the information provided by the survivors of child sexual abuse. The resultant combination enabled the construction of a model that estimated the costs of child sexual abuse in New Zealand. This confirmed that the costs were substantial and demand that child sexual abuse, as a social problem, must be addressed.

I conducted a cost benefit analysis of restorative justice using a Time Value of Money approach, which brought future costs and benefits back to a net present value. The potential benefits were derived from the estimated costs of child sexual abuse and the costs were derived from a costing analysis undertaken in 1997 to support a request for funding of a proposed restorative justice pilot programme. The results of the cost benefit analysis indicated that by meeting the needs of child sexual abuse

victims an alternative process for justice could realise substantial benefits for victims, their families and the broader society. Significantly the costing analysis and the cost benefit analysis determined that the greatest savings would be made by the avoidance of victims in the first instance. Therefore, any programmes that would aim to lower offending rates should be seriously considered and carefully evaluated to determine their effectiveness. At the same time programmes should be implemented that assist victims of child sexual abuse in their recovery.

To summarise, child sexual abuse has been shrouded by a conspiracy of silence, caused partly by deeply entrenched structures within society, the influence these structures have had on theorists and the inability of victims to disclose they have been sexually abused as children. 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. The economic consequences and 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. Restorative justice is one approach that might encourage victims of child sexual abuse to criminally report, thereby breaking the conspiracy of silence.

The findings of the research undertaken for this thesis would have implications for those societal systems and structures that 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 has implications for restorative justice. Finally, the costs of child sexual abuse in New Zealand have implications for the broader society. I will review these findings in the following discussion.

Implications of Stockholm Syndrome

Stockholm Syndrome should alert all those working in the field of child sexual abuse to the existence of a powerful bi-directional relationship, which could inhibit the ability of victims to disclose or criminally report. The forces of Stockholm Syndrome could explain why some child sexual abuse victims have disclosed, or criminally

reported, only to retract allegations at a later time. The offender has maintained his or her manipulation of the victim and bystanders for lengthy periods of time and has become practised at not only maintaining elaborate constructs of denial, but also at maintaining relationships. Bystanders, those who were unable to intervene or stop the sexual abuse, could be similarly affected by Stockholm Syndrome. They might not be supportive of criminal reporting and could pressure victims to maintain the conspiracy of silence. Therefore, they might not be appropriate support people to victims of child sexual abuse and could be unreliable as witnesses in court proceedings.

Victims of child sexual abuse have been unable to disclose as children and as adults they might not be able to disclose, or criminally report, until they have begun the process of psychological separation from the offender. For some victims this could be some years after the sexual abuse has ceased. This must be understood by criminal justice agencies and not interpreted as vexatious allegations. A time lapse should not be a defence argument for the offender. Introduction of any statute of limitations could disadvantage victims of child sexual abuse.

Outsiders, those who have not been subjected to the victimisation process, could find it difficult to understand the reluctance of the child sexual abuse victims to criminally report, thereby contributing to the victimisation process. Due to the impacts of Stockholm Syndrome, the responses of child sexual abuse victims could be misinterpreted by outsiders as ambivalence or contrariness. The implications of Stockholm Syndrome should be included in the training of those professionals who would provide services to victims of child sexual abuse, which should include medical practitioners, psychologists, counsellors, therapists, social workers, mental health workers, police officers and all justice practitioners.

Stockholm Syndrome could encourage some victims to opt for alternative processes for justice. Moreover, the underlying philosophy of restorative justice could appear more congruent with the understandings and expectations victims might have of justice.

Implications for Restorative Justice

It would seem that justice could be inter-related with recovery for victims of child sexual abuse. Therefore a system for justice that would enable victims of child sexual abuse to experience a sense of justice might facilitate their recovery process sufficiently to minimise the consequences of child sexual abuse. Moreover, families could gain information regarding offending patterns, which could enable them to support existing victims and protect potential victims. Although the profile of restorative justice has been increasing in the public arena its acceptance as a forum for addressing historical child sexual abuse has yet to be established. It would need the endorsement of all parties, victims, offenders, traditional justice agencies and the broader society. Although adult survivors of child sexual abuse identified structures similar to those of restorative justice in which they believed they could achieve a sense of justice, they were sceptical that restorative justice could accommodate their unique circumstances in its current format. A further challenge could be that popular opinions have appeared to view restorative justice as a soft option for dealing with crime. Notwithstanding, victims of child sexual abuse might begin to seriously consider restorative justice as an option for addressing their needs. Although I have commented in previous chapters on both the desirable and undesirable characteristics of restorative justice practitioners and their potential training needs, I will summarise these issues to facilitate their accessibility.

The Implications for Practitioners of Restorative Justice

It has not been intended that this summary would be a complete and full account of the implications for restorative justice practitioners. Many points that I have identified would not be unique to conferences addressing child sexual abuse; practitioners would have identified many of these issues as central practice issues for any restorative conference.

- Restorative conferences must be facilitated by exceptionally skilled and trained facilitators.
- Mixed gender co-facilitators would be more appropriate.

- Facilitators would need an in depth understanding of the dynamics of child sexual abuse including the effects of Stockholm Syndrome, the complexity of recovery and any cultural issues.
- Facilitators must have a commitment of zero-tolerance to violence.
- Facilitators must have interpersonal skills that would enable them to engender the respect of the parties involved.
- Conferences would require careful planning and preparation; this might include a series of pre-conference meetings with the victim and offender and their various support people independent of each other.
- Pre-conference meetings must ensure that all parties have realistic expectations of the process.
- Pre-conference meetings would enable facilitators to assess whether a restorative conference should proceed. Such indicators might include the ability of the offender to abandon constructs of denial or other rationalisations.
- A victim must have access to an appropriate support person in a restorative conference.
- Facilitators of restorative conferences must be aware that these support people are likely to be bystanders and as such might experience the same pressure and influences as victims.
- Throughout the process of restorative justice, victims might be under considerable pressure to either withdraw allegations or to agree to certain conference outcomes that they might otherwise disagree with.
- The recovery process has been circular, not linear, and victims might appear to be ambivalent and possibly contradictory at times.
- The cognitive distortions established throughout the victimisation process could affect the victim's ability to contribute objectively in determining appropriate solutions.
- An imbalance of power could persist through to the conference stage.
- Victims could have varying degrees of confidence in the ability of bystanders and outsiders to contribute objectively to a restorative conference.
- Bystanders were unable to protect the victim as a child, yet these same people would participate as the "community of interest" in a restorative conference.

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- The reluctance or inability of bystanders to reframe child sexual abuse in terms of criminal activity has contributed to the victim's understanding that his or her reality has not been socially validated.
 - Some bystanders might have been similarly victimised as children and could be in varying stages of recovery. They, too, might be experiencing the effects of Stockholm Syndrome.
 - Each bystander could have their own perspective of the offender; some would be very different to that of the victim.
 - Outsiders with little understanding of the complex dynamics involved in the sexual abuse of children, and bystanders supporting the offender might tend to minimise the abuse.
 - Outsiders, as role models, could provide cues to other participants of a conference. This influence could be both negative and positive.
 - Offenders have been highly skilled at maintaining an elaborate construction of denial.
 - Offenders could attempt to maintain and exploit existing bi-directional relationships.
 - Conference facilitators might have to compensate to ensure that conference outcomes are commensurate with the offending behaviour.
 - Communities could vary in their ability to provide the support required to ensure agreed upon outcomes are carried out.
 - Conference facilitators might not be immune to the development of Stockholm Syndrome and would need access to skilled supervision for reality checks and debriefing.

If restorative justice were to effectively address historical child sexual abuse, these implications must be incorporated into training programmes for restorative justice practitioners.

Training for Restorative Justice Practitioners

Using the implications for restorative justice practitioners, I have identified that the following topics should be covered in training programmes for restorative justice practitioners who would be working with victims of child sexual abuse.

- Historical perspectives of the traditional criminal justice system
- Philosophical and ideological perspectives of restorative justice
- Models of retributive, restorative and rehabilitative justice
- Models for other mediation processes
- Codes of ethics
- Practice models for restorative justice which include the implications for practitioners as identified above
- Concepts of voluntarism, and facilitator neutrality and impartiality
- Definitions of justice and substantive equality
- Cultural difference
- The dynamics of child sexual abuse, the recovery process and the implications of Stockholm Syndrome
- The perspectives of victims of child sexual abuse
- Relevant community resources such as funding for various programmes for victims, offenders and their families

Regular attendance at seminars and access to supervision and debriefing could provide restorative justice practitioners with the necessary forums for ongoing professional development. However before practitioners could exploit or seek out opportunities, they should consider establishing themselves as a professional body of practitioners and formalise their training as a national qualification.

The formalisation of restorative justice practitioners as a professional body, similar to those of other professions, could engender the prerequisite confidence that would be necessary for restorative justice to be accepted as a forum for addressing historical child sexual abuse. A professional organisation would determine the prerequisite criteria for membership, minimum qualifications for restorative justice practitioners, and would actively promote ongoing professional development of restorative justice

practitioners. Those who had a criminal conviction might not necessarily be excluded from practicing as a restorative justice practitioner. However, a criminal conviction could determine the areas in which they were able to practice their profession. Given the dynamics of child sexual abuse, it would not be appropriate for restorative justice practitioners, who have been convicted of a violent crime or other crime against the person, to facilitate restorative conferences that address historical child sexual abuse. Other crimes, yet undetermined, could similarly preclude such practitioners from facilitating restorative conferences that would address historical child sexual abuse.

Using the topics identified above, a national qualification should be developed that provided practitioners with the professional basis on which they could develop their careers as restorative justice practitioners. Delivered by existing tertiary institutions, a national qualification could further promote consistency of service delivery and minimum standards of practice. Potential applicants to a training course would demonstrate that they have the necessary characteristics by providing character references, undergoing interviews and the completion of appropriate aptitude tests. Such training courses should be developed through consultation with restorative justice practitioners or a professional body that might represent them.

It would be unlikely that restorative justice practitioners could formalise their status without some assurance that there would be employment for them in their chosen profession. The implementation of the recently announced government pilot programme could sufficiently elevate the profile of restorative justice to make such an initiative feasible. However, mass media educational programmes would be required to provide all parties with a greater understanding of restorative justice, particularly as it might relate to historical child sexual abuse. Programmes such as Te Hui Whakatika, Restorative Conferences in Schools, could have an important role. Developed for the Ministry of Education by the University of Waikato, this programme has been based on the restorative justice family group conference and has aimed to provide different outcomes for students in serious disciplinary trouble (Gerritsen, 2000). Through this programme and others similar, the youth of New Zealand have begun to experience alternative processes for resolving conflict, carrying this message back to their family homes and into the future as adults. These

programmes could be extended to prepare the citizens of tomorrow to accept restorative justice as a normal process for justice.

An endorsement of restorative justice as a forum to address historical child sexual abuse would require the political will and a commitment to sufficient funding to enable the ongoing development of restorative justice. The costs of child sexual abuse in New Zealand would appear to justify the implementation of multiple programmes aimed at minimising this burden for victims, offenders their families and the broader society.

Implications of the Costs of Child Sexual Abuse

The costing analysis of child sexual abuse in New Zealand indicated that the costs could be substantial. Programmes that would aim to minimise the consequences of child sexual abuse could reduce the financial burdens for all parties. Although recovery and justice might be inter-related for many victims of child sexual abuse, other initiatives could support the process of recovery. A central element of the recovery process would be moving from victim to survivor. This would not appear to have been supported for many victims of child sexual abuse.

Access to therapeutic programmes that facilitate the transition from victim to survivor should be considered essential. In the first instance, public awareness programmes should alert victims of child sexual abuse to the support systems that are available in their communities. Notably, some adult survivors of child sexual abuse were unaware of the range of support available to them. Furthermore, not all victims of child sexual abuse resident in New Zealand would qualify for government funded counselling. A variety of therapeutic programmes should be provided to all victims irrespective of when or where the child sexual abuse occurred. These should include one on one counselling or self-help groups facilitated by appropriately trained professionals.

Adult survivors of child sexual abuse indicated that financial compensation could validate the victimisation they had been subjected to as children. Lump sum payments have not been available for some years. If these were to be reinstated adult

victims of child sexual abuse could utilise such payments to compensate for their financial burdens. Government funded retraining programmes and access to higher education might enable victims of child sexual abuse to take up opportunities they were unable to exploit earlier in their lives due to the victimisation process. However, the Accident Compensation Commission might not be the appropriate government agency to provide oversight to any compensatory payments or funding. Child sexual abuse as a non-accidental injury would seem to be incongruent with an agency that compensated for accidental injuries.

The cost benefit analysis of child sexual abuse indicated that lowering the number of new victims would produce the greatest saving not only in terms of financial costs, but also in terms of human costs. Identifying offenders should be a priority, as it would seem that a small number of offenders could be responsible for a large number of victims. Criminal reporting by victims would enable offenders to be identified. Therefore, those programmes that aim to encourage victims to disclose and report would not only be minimising the consequences for victims but also could be minimising the costs for all parties. All identified offenders should undergo therapeutic programmes. This could mean ensuring that imprisonment terms were sufficiently long to enable offenders to enrol in the sexual offenders' programmes available in the prison system. The provision of funding for community based programmes should be sufficient to ensure that all identified offenders could be included. Furthermore, oversight should be provided to all identified offenders for a limited period, such as a parole period, to assess their potential to reoffend.

Media reports would suggest that too many children continue to live in unsafe circumstances. The financial restrictions imposed on various welfare organisations have created unsafe working conditions for social workers. Limited funding and time for ongoing professional development and maintenance of internal systems would appear to increase the risk to the well being of many children in our society. The Children, Young Persons and Their Families Act 1989 has aimed to work towards keeping children within their family of origin or placing them with extended family members. While in most instances this would be desirable, in some family systems this could be placing the child at greater risk. It would seem that at times the paramountcy principle has been ignored. National systems should be implemented to

ensure central co-ordination of a monitoring system for all children, which could facilitate the oversight of those children at risk or those living in transient families.

School programmes must focus on alerting children to child sexual abuse. Children must be provided with sufficient information so that if they were victims of child sexual abuse, they could recognise their experience in the definitions that were provided. Information must include a variety of options that children could pursue. These might include telling a teacher or another adult, but more importantly they should be given information about existing services that they could access. Such information should be readily accessible in an age appropriate format. Posters in strategic positions and pamphlets handed to all children could enable children to access information confidentially. Many schools have offered programmes⁸¹ within their health curriculum. These include the “Keeping Our Self Safe” programme at the primary school level, and sex education programmes at the secondary school level. However, parental permission has been required for attendance at primary school levels and parents of students at secondary school levels have had the option to withdraw their children from sex education programmes. These programmes offer the perfect opportunity for children to learn about child sexual abuse, but importantly, they also offer an opportunity to provide information about alternative, gender role models at an age appropriate level. Such opportunities would be missed if children were withdrawn from these programmes.

School teachers could have a pivotal role in supporting children to make disclosures of sexual victimisation. Children could have more contact with teachers than any other adults in their lives, aside from parents. Teachers, therefore, must be adequately prepared should a child disclose that they have been sexually victimised, or should they suspect that a child could be at risk. Schools have had guidelines and policies in place, but they have at times been ignored or inaccessible to those who have needed them most. Further, it would seem that teachers could be reluctant to report any suspicions they might have regarding colleagues. Regular discussion meetings, seminars with visiting speakers and attendance at appropriate conferences

⁸¹ Information about school programmes was provided by contact with various schools in the Auckland area.

would prepare teachers for dealing with these issues and would assist to breakdown any discomfort that teachers might have in relation to reporting suspected child sexual abuse. Systems must be developed so that teachers could report suspicions but at the same time such systems must avoid erroneous allegations.

Research on child sexual abuse, specifically in the New Zealand context, is necessary to provide policy analysts and those working in the field of child sexual abuse, both historical and current, with information that is both up to date and culturally appropriate. However, there has been a scarcity of research in the New Zealand context.

Areas for Further Research

Those international studies that have been referenced in this thesis should be validated in the New Zealand context. It would only be through ongoing research programmes that New Zealand as a society could begin to provide programmes that might effectively reduce the incidence of child sexual abuse and minimise the consequences for victims, offenders and the broader society. Research should also include further costing analyses utilising different approaches that might validate estimations of the costs of child sexual abuse. Victims of child sexual abuse should be consulted and included in any debate or studies that might aim to identify intervention programmes, including any attempts to identify alternative paradigms for justice. All studies should ensure that victims would not be further disadvantaged.

The costing analysis of child sexual abuse indicated that there were substantial costs for employers of child sexual abuse victims. Further, I identified that victims of child sexual abuse tended to cluster in the lower paid, female dominated occupations such as the care giving professions or clerical professions. International research has suggested that an organisation employing 1,000 people could be losing \$NZ750,000 per year and this has been conservatively estimated at \$NZ1.5 billion dollars throughout New Zealand (Beattie, 2000:69). These costs could be significantly higher for those organisations that tended to employ more victims of child sexual abuse. Employee Assistance Programmes could be particularly beneficial to those organisations in these employment sectors. Sustained Performance Programmes, a

more proactive version of Employee Assistance Programmes, would aim to hunt out problems before they would represent a significant cost to the organisation (Beattie, 2000:69). It has been claimed that such programmes in the United States pay for themselves through reductions in absenteeism and increased productivity.

Employers could be tempted to investigate programmes that might improve productivity, thereby increasing profit margins. If Sustained Performance Programmes were to gain popularity overseas they could become an attractive cost effective option for New Zealand companies. It could be argued that these programmes would have potential benefits for victims of child sexual abuse, but it could also be argued that a disadvantaged group could be further disadvantaged within the patriarchal environments evident in many large New Zealand organisations. Research should be conducted from the perspective of disadvantaged groups to determine the advantages and the disadvantages that might result from the implementation of such programmes. A feminist critique would be essential to ensure that disadvantaged groups, such as victims of child sexual abuse were not further disadvantaged.

I commented earlier in this thesis that a justice system could only be “the ambulance at the bottom of the cliff”⁸², and the same could be said of many intervention programmes. Survivors of child sexual abuse consistently pointed out that attitudes within the broader society must change if the sexual abuse of children is to be eliminated. The historical analysis of child sexual abuse indicated that there were deeply entrenched structures within society that have facilitated the continued sexual abuse of children⁸³. Educational programmes delivered by the mass media could target all sections of our society informing them of the dynamics of child sexual abuse and highlighting the consequences this criminal activity has for victims, their families and society, in general. Such programmes could be in the form of television documentaries and advertisements such as those that have been shown in relation to the physical abuse of children, child prostitution in third world countries, and driving a motor vehicle under the influence of alcohol.

⁸² Refer to Chapter 5: Methodology, Ethics and Method.

⁸³ Refer to Chapter 2: An Historical and Theoretical Perspective.

Attention must be directed towards determining the most effective methods of changing societal attitudes and breaking down those entrenched structures within society that have contributed to the conspiracy of silence. It is time to move beyond constructs of denial, beyond reactive stances. It is time to develop proactive programmes that actively attempt to prevent the sexual abuse of our most vulnerable members of society.

Although this marks the end of the written account of this mutual journey of discovery, the journey of recovery continues for all those who have participated in this research project. These survivors have spoken out and have contributed to breaking the conspiracy of silence. I am honoured to have shared small parts of these journeys with such courageous people. As this thesis has attempted to locate victims of child sexual abuse within a framework of procedural justice, I will conclude with the following observations.

The Irony of Restorative Justice

If restorative justice were to become more widely available, the effects of Stockholm Syndrome and the complexity of recovery might encourage some victims of child sexual abuse to pursue justice in this forum. The outcomes of restorative conferencing could be contradictory. If the conference were successful the victim could experience a sense of justice and feel as though their victimisation were validated. Restorative justice practitioners would likely argue that such an outcome could be predicted. However, the preparation for the conference or the conference itself might well provide the victim with new information that could break down any remaining cognitive distortions. The bi-directional relationship could be severed completely. Ironically, as the victim gained new knowledge of the offender and the support of bystanders, he or she might feel more justified in vigorously pursuing retributive outcomes. They might withdraw from the restorative justice process to pursue a more retributive response.

If this were not anticipated as a possible outcome, it could be construed as a failure for restorative justice. The success of a restorative justice process should, therefore, be measured by the sense of justice experienced by victims, the degree of

psychological separation that has been achieved between victim and offender and the degree to which the offender has assumed responsibility and accountability for his or her actions. A successful conference should effect a transformation not only in the bi-directional relationship between victim and offender, but also in the various relationships between offender, victim and bystanders. If the offender were imprisoned, sooner or later the offender would return to his or her community. This could also be the victim's community. Future opportunities would then exist for restorative justice to further transform these relationships so that the victim and offender could co-exist within their community.

Appendices

Appendix i : The Submission

The submission, *Breaking the Silence*, was posted to the Privacy Commissioner in July 1998. The letter of response from the Privacy Commissioner indicated that the submission was consistent with the Privacy Act 1993. The response letter was circulated among the participants who decided to forward the submission to the District Court Judges. The submission was amended to accommodate the new audience and I forwarded it to Judge McElrea of the Auckland District Court, with whom I have had ongoing contact through the research process. His letter of response praised the submission and informed us of his intent to forward it to the Chief District Court Judge for possible distribution to judges throughout New Zealand. Judge McElrea provided us with a copy of his covering letter to the Chief District Court Judge. The comments contained in these letters created much interest among the participants. It was insufficient for them to merely hear the letter over the telephone. Those participants, who lived near me, came at various times to my home, to read the letters for themselves. Some brought their partners to read the letters. They seemed amazed at what we had achieved.

In July 1991, an invitation was extended for representatives of the participants to attend a lunchtime seminar for the judges of the Auckland District Court to speak to the submission. The group requested I attend on their behalf and Amanda⁸⁴ offered to accompany me. The seminar was attended by 12 judges, a representative of Victim Services and a Professor from Auckland University Law School. Professor Bill Hodges gave a background to the history of name suppression. I spoke to the submission and answered their questions. The judges then discussed the way in which they have applied name suppression and how this could be changed to ensure that victims of child sexual abuse were consulted. It slowly occurred to me that we were perhaps witnessing a change in procedure and that we as a group had

⁸⁴ This particular participant was interviewed and her voice appears elsewhere in this thesis. To ensure her anonymity I have used a different pseudonym for her in this particular discussion. To do otherwise could alert other participants to her identity in other parts of this thesis.

contributed to this. This was confirmed as Amanda nudged me with her knee under the table. The seminar lasted approximately an hour and we were told later that every judge that was present that day had attended the seminar. We were informed that this could be interpreted as evidence of the level of interest the submission had provoked with the judges.

After we left the court, Amanda and I debriefed. She said that through the preparation of the submission she was not sure how seriously we would be taken. She believed the judges took us seriously and that the issues we raised were important to them. Amanda commented that the meeting was further confirmation that she was not the guilty party. She also said that it was a major revelation to her that people do care what happens to victims of child sexual abuse. Both Amanda and I circulated our reflections of the seminar to the other participants. Their reactions were similar to those of Amanda. The participants gained validation and satisfaction from a very political act. One participant sent a copy of the submission to the Minister for Justice in August 2000, following debate in the media relating to the rights of victims. The response letter informed her that the submission had been forwarded to the select committee currently consulting on such issues. A press release in December, 2000, appeared to indicate that our submission might have influenced this select committee as exemplified by a comment made by Justice Minister, Phil Goff, in a press release dated December 12, 2000.

In particular, the right to consultation over final name suppression is an important step. In the past it was assumed that victims of sexual offences committed by, for example, a family member, would wish to have details that could identify them by nature of the relationship suppressed. In fact that is not always the case, and the victim may feel that the best punishment an abuser can face is the shame of being identified in their community as a sex offender.

(Goff, 2000)

The participants involved in this project believed that the submission has contributed to change and that it would continue to contribute to change. They have received confirmation that our actions were taken seriously and this has appeared to provide them with a sense of validation. From my perspective this project was exciting to be involved in. It was enormously satisfying to observe how the group claimed

ownership of the submission and how rewarding the outcomes were for each participant. It also served as proof of how strong we can be when we join our voices.

Breaking the Silence

Acknowledgements

We wish to thank all those people who contributed to the preparation of this submission. A number of survivors gave generously of their time and willingly shared their thoughts and experiences. For some this was an incredible act of bravery. Others were unable to attend the two meetings we held but they contributed by giving their support to the project and feedback on the many drafts.

We also wish to thank Dr Marilyn Waring, of Massey University, for her support and advice on the preparation and writing of this submission. Your confidence in us empowered the survivors who were involved to “Break the Silence”.

Finally we wish to thank Judge FWM McElrea, of the Auckland District Court, for his support to this project and editing of the final draft. Your support and comments have contributed to the validation of our experiences.

SUBMISSION

To **The Chief Judge of the District Court**

On **Name Suppression of Sexual Offenders**

1 Introduction

- 1.1 This submission is from Shirley Jülich
190 Lake Road
Northcote
Auckland
Ph (private) 4191874 (business) 4184139
- 1.2 I am a member of a group of survivors of child sexual abuse that was formed to discuss some of the issues surrounding name suppression of both the offender and the survivor of child sexual abuse. There were two meetings each attended by different members. We represent diverse experiences and varying stages of personal recovery. The issues outlined in this submission are augmented by the voices of survivors whom I have interviewed as part of my doctoral research. These voices are written in italics.
- 1.3 We are concerned that survivors are not always consulted regarding name suppression of the offender and themselves, that their differing realities are not accommodated and that assumptions are applied to all survivors irrespective of their age or where they are in their recovery process.

Another issue raised was that the rights of the offender in the criminal justice system can be used to reinforce the survivor's feelings of guilt and shame, and that name suppression as a legal intervention at times is used inappropriately.

We believe there is a societal expectation that survivors will wish to maintain anonymity and confidentiality, this in turn contributes to the survivor's feelings of shame and guilt.

We believe that privacy and confidentiality enables the conspiracy of silence to persist.

We feel that pursuing justice should contribute in a positive way to the recovery process of the survivor.

We believe that as survivors of child sexual abuse we have valuable knowledge and experience that we can share.

2 Preamble

- 2.1 The term child sexual abuse has emerged as a general term to describe a range of activities and relationships that are legally unacceptable within society and or are acknowledged to have adverse consequences for the victim. Throughout the literature terms used to denote the sexual abuse of children include seduction, sexual harassment, sexual exploitation, sexual victimisation, sexual molestation, sexual assault, sexual violence, incest, child rape and adult/child rape. The terminology varies according to the activities and the relationship between the offender and the victim (MacLeod & Saraga, 1988:18). There appears to be no consensus on a standard definition. Researchers have created operational definitions specific to their needs in their particular study (Briggs, 1992:6). It is commonly accepted by agencies that an adult is the perpetrator of sexual abuse and the victim is a legally defined child or young person.
- 2.2 We agree with Batya Hyman (1993:41) who suggests that "...the clearest definitions of child sexual abuse distinguish between intra-familial and extra-familial abuse". An understanding of the distinction between intra-familial and extra-familial sexual abuse is important if we are to accommodate the very differing realities of child sexual abuse survivors. Intra-familial abuse, which is frequently referred to as incest, occurs within the family context. Definitions of family and family member vary across studies and cultures. Some definitions include only those family members who are blood relatives, other definitions are expanded to include any adult a child or young person is encouraged to consider as a family member.

Extra-familial abuse occurs outside of the family context. Some survivors experience abuse prior to menarche, for others menarche is the point where the abuse begins. An incestuous relationship may start prior to puberty and may or may not continue through adolescence, in some instances it may continue into adulthood. A paedophilic relationship will cease at the onset of puberty, the end of biological childhood. It may or may not be incestuous, but it will always be abusive as is any sexual activity involving an adult and a child or young person.

The long-term impacts and consequences for survivors of both intra-familial and extra-familial child sexual abuse may be similar but we believe that the closer the familial relationship is between offender and survivor the more complicated the issues become regarding name disclosure of either the survivor and the offender. In these instances the survivor may be under additional pressure from family members to maintain confidentiality and protect the "integrity" of the family unit.

- 2.3 Survivors who appear as witnesses in court cases range in age from young children who are addressing abuse that has occurred recently through to adults who are addressing historical child sexual abuse. In

the instance of young children proceedings have been instigated on their behalf in response to a sexual abuse disclosure. Such a response validates the young survivor, they have been believed and the knowledge of this contributes to their recovery process. Adults have had no such response. They initiate proceedings on their own behalf in an attempt to address the injustice of their experience. Adults, as opposed to children or young persons, are in a very different place in terms of their recovery process. This will vary from survivor to survivor, an adult pursuing justice is usually in the later stages of recovery, a child or young person has just begun this journey.

There is a general lack of understanding within the community regarding the dynamics of child sexual abuse. People who sexually abuse children or young persons regularly use a standard technique intended to make the child or young person feel guilty and that they are somehow a conspirator in what is happening or has happened. This is the point where the "The Conspiracy of Silence" begins. Furthermore the community is influenced by a history of victim blaming which is evident wherever positions of power and control are abused. These misunderstandings have contributed to the perception of survivors that there is a stigma attached to being a victim of child sexual abuse. Adult survivors in earlier stages of recovery often believe that society holds them in some degree responsible for their abuse experience. Conversely other adult survivors in more advanced stages of their recovery process do not feel the same guilt or shame attached to being a survivor of child sexual abuse and often see no need for privacy and confidentiality. They interpret name disclosure of the offender as not only a validation of their experience but also a step towards breaking down the conspiracy of silence which enables the sexual abuse of children to continue.

- 2.4 Societal attitudes to privacy and confidentiality combined with a general lack of understanding of the dynamics of child sexual abuse have created an expectation that survivors will want to ensure anonymity. Survivors frequently feel pressured to conform to this expectation.

Judge F.W.M. McElrea (1996:6) of the Auckland District Court notes that confidentiality and privacy may be "a relatively recent western phenomenon". He points out that indigenous restorative justice models such as that of the First Nation of Manitoba, Canada, involve the whole community who all know what is happening. In this model victims are encouraged to discard feelings of guilt and shame. Marae Justice has a similar emphasis. McElrea (1996:6) also notes that "Matt Hakiha has commented that there is no such thing as confidentiality in Maori communities". A survivor speaking from a Maori perspective notes the same phenomenon. If privacy and confidentiality continue to surround child sexual abuse, that is the details of survivors, their experience and the names of offenders are suppressed, the

conspiracy of silence is upheld. There is no need for offenders to own the responsibility of their actions, the responsibility remains with survivors and their feelings of guilt and shame are reinforced.

3 Specific Comments

3.1 Children and Young Persons Addressing Recent Abuse

The rights of children and young persons must remain protected through legislation. Parents of children and young persons who have been sexually abused do not have the right to waive name suppression of their child. The focus must remain on the child victim.

I might be prepared to be public about some things but it's not my life, well it is my life but it is more her life isn't it. And she's a fairly young child and she's also very private, well she was certainly very private about it initially and now she will say things and she says it very appropriately "somebody at my crèche did some yukky things and they've gone to jail"

We recommend that:

The rights of children or young persons regarding name suppression continue to be protected in law.

According to Section 139 of the Criminal Justice Act 1985, a person who "...is of or over the age of 16 years..." can request permission of the court to allow their name to be published. A survivor reports that as a young person (16 years), she had specifically requested that name suppression not be granted to either herself or the convicted offender. This action identified her to other survivors who then used her as a support system for themselves. She then felt overburdened by this responsibility and had difficulty coping with the consequences of her decision. Such an example raises the question as to whether all 16 year olds have sufficient life skills and experience to enable them to make truly informed decisions.

Children and young persons have the same needs for validation and empowerment as adult survivors. They need to have issues regarding name suppression of both the offender and survivor discussed with them and explained to them in language they understand. This will better enable children and young persons to understand why the court imposes or advises certain decisions regarding name suppression.

We recommend that:

Courts consult with children or young persons, in an age appropriate manner, regarding name suppression of both the convicted offender and or the survivor.

When a child or young person is sexually abused, non-offending parents will likely have their own issues or agendas, which are possibly not congruent with the needs of the child or young person.

We recommend that:

Courts recognise that parents are not always appropriate advocates or support persons for a child or young person.

Children and young persons have a basic right to be protected from offenders and to effect this the community needs to know who offenders are. If this information is suppressed children or young persons may be inadvertently exposed to risk.

The need for people to protect their children from such people should over ride their rights [the offender's rights] to privacy.

By exposing a convicted offender parents can be informed as to who this person is and be aware that their child may have been victimised.

Even the local paper had a photo of him at the petrol station. Saying "did this guy used to live near you". I was quite pleased.

Organisations that provide services to children and young persons attract people with the propensity to sexually offend.

I think these people should not have the right to name suppression once they have been convicted. Never ever have the right to name suppression We have the right to know who these [people] are.

We recommend that:

All those organisations involved in providing care and or services to children and young persons have access to accurate information regarding the safety of potential employees.

3.2 Adults Addressing Historical Child Sexual Abuse

There is a perceived stigma attached to being a survivor of child sexual abuse. Because of this name suppression is offered to survivors to protect anonymity. Name suppression of the offender is frequently requested as further protection of the survivor's anonymity. It is the experience of some survivors that name suppression is automatically extended to the convicted offender. For some survivors automatic name suppression provides the safety that enables these survivors to proceed with court action.

We recommend that:

The Courts establish procedures that will ensure adult survivors are in control of all issues regarding name suppression.

Other survivors have different issues they are attempting to address. Some adult survivors initiating formal proceedings can be motivated by a need for validation. They need to know that society does not endorse the sexual abuse of children. Suppressing the name of the offender in this instance does not validate their experience. It merely upholds the "Conspiracy of Silence".

Keeping sexual abusive behaviour private is in fact the very mechanism used to perpetuate the state of abuse in a child...

While they do not lift suppression of name or they do not keep the names out there that is again covert. Everything's covert. It's perpetuating the secret. It's perpetuating the behaviour. It's [the abuse] going to continue to happen because people [an offender] will know, I can do this and no one will know I'm doing it because they'll suppress my name to protect this child.

[Name suppression is] giving them every license to get out there and to continue doing it, because it's the safest crime in the world for them to commit. If you burglarised a dairy or you attack somebody, your name is all over the

newspapers, but if you attack somebody's sexual, emotional development, which happens with children [when they are sexually abused], you'll get away with it because nobody will know about it. The world won't know that you're this [person]. It's the one crime that the law actually encourages.

By bringing charges against the person who sexually abused them as a child, adult survivors are seeking empowerment not revenge. Judith Herman (Herman, 1997:132) argues that trauma disempowers and disconnects a victim from others. The recovery process must be based on empowering survivors and enabling them to restore power and control.

I think publishing their names... is a very powerful, powerful thing.

By initiating formal proceedings some adults are attempting to ensure that this particular offender abuses no other child.

I am so firm a believer of stopping the privacy, so that people are warned.

Survivors in the more advanced stages of recovery have come to understand they are not accountable for the abuse they have experienced. One survivor reports that issues of name suppression had never been discussed with her by the court and it had never occurred to her that she should be seeking anonymity. Survivors find themselves in the situation of having to request that name suppression for the convicted offender not be granted. They report that they are frequently ignored and the reasons given by the court for granting name suppression are "to protect the anonymity of the victim".

I know a few instances where it's been said, we do this for the sake of the victim. And I know that some of these victims said, "publish his name, I don't care", and they do not [listen]... they [offenders] don't have the right to privacy any more. They've taken somebody's privacy, their most intimate privacy, and they've trampled on it. They have no right to their own privacy.

In many instances suppressing the relationship between the offender and the survivor could enable the name of the offender to be made public without compromising the anonymity of the survivor.

Many adult survivors are very aware they were unable to protect themselves. Neither did any other adult protect them. As adults they can attempt to ensure that other children are protected. A survivor reports that she initiated criminal justice proceedings to enable other survivors within the extended family system to come to terms with their

own abusive experience. This survivor had believed for a number of years that she was the only victim of this particular offender. When she realised that there were other victims of her own generation and that the next generation had also been victimised she felt a responsibility to protect younger family members from this offender. The criminal justice system is the only system available to pakeha survivors.

When the offender's name is disclosed it validates other survivors who have remained silent, particularly those who may believe they are the only victim. Such survivors while they may not feel they can disclose their experience in a formal forum at this point in time they are empowered to seek assistance should they feel the need to.

We recommend that:

Courts automatically presume name suppression will not be granted to the convicted offender.

3.3 Intra-familial or Incestuous Child Sexual Abuse

Child sexual abuse, which is intra-familial or incestuous, complicates the issue of name suppression. When survivors initiate action through the criminal justice system, they do so knowing they will polarise their family into 2 groups, those that support the survivor and those that support the offender. In this instance the survivor may be under additional pressure from within the family to request name suppression. Some members are motivated to protect themselves from the stigma of having a family member who is a child sexual abuse offender. The survivor with limited support is frequently unable to stand up to this pressure.

Child sexual abuse occurring outside of the family, particularly cases with multiple victims that occur in pre school centres or schools, provokes a different response to the issue of name suppression. The offender's name is usually disclosed prior to a conviction and there is no argument from the family members of survivors.

We recommend that:

The survivor has the right to request name suppression of the offender but the court must be convinced exceptional circumstances exist such as in the instance of intra-familial child sexual abuse.

3.4 Name Suppression of Survivor

Not all survivors are seeking anonymity. In the more advanced stages of recovery the importance of name suppression subsides.

His name was not suppressed, it is [name supplied], and I wasn't worried whether my name was suppressed or not.

Granting name suppression can be counterproductive to the survivor's recovery process. Many survivors are able to speak publicly on their experiences and want to do so to assist other survivors and to raise community awareness regarding the dynamics of child sexual abuse. Judith Herman (1997:207) refers to this as a "survivor mission". Court ordered, name suppression complicates the survivor's ability to engage in this activity.

We recommend that:

Name suppression or name disclosure either for themselves or the convicted offender be recognised as an integral part of the recovery process of survivors.

3.5 Reasons for Name Suppression of Offender

There must be genuine reasons as to why the offender is granted name suppression. Not all survivors share the same surname as the offender. Survivors report that name suppression is granted to protect the survivor even when their surnames are quite different from the names of the survivors' immediate families.

It is the experience of some survivors that name suppression is granted for entirely different reasons.

You know, the one case that I suppose stands out in my mind, which was a good example of ...name suppression, [are the] teenage girls in Hamilton who had both said, "please disclose his name". He was, a Hamilton businessman, who had been sexually abusing them for years and years, finally had been taken to court, convicted, given name suppression, because, and I quote, "it may hurt his business", and they [the victims] hurt more than him.

Those people close to the survivor and or the offender are usually aware of the existence of child sexual abuse within the family. If they are not it is even more important that name suppression is not granted

so that parents within the family system are more able to protect vulnerable children.

Keeping the offender's name suppressed on the pretence that his/her family may be victimised is a weak argument, as people so close to the perpetrator's family will often [already] know [of the existence of sexual abuse within the family].

The emphasis needs to become focused on determining their needs of the family of the convicted offender and providing appropriate support.

If they have used secrecy (which is what privacy is really) to abuse a person, then they have lost their right to protect themselves under the excuse of protecting their own family in my opinion.

Survivors believe that families of convicted offenders are victims of their circumstances, as are all families who have a family member convicted of a criminal offence.

Society instead needs to mature and realise that a perpetrator's family is not the abuser... and not victimise those people... We [survivors] certainly do not act that way to the family of this abuser.

Suppressing the name of convicted offenders does not occur in other areas of criminal law.

If people cause great crimes in NZ e.g. Aramoana and other mass murders... the 2 Auckland [serial] rape cases, no one is shouting for these people to have name suppression but they have families don't they?

Granting name suppression to convicted offenders of child sexual abuse is perceived by survivors as undermining their value as people.

Why should abusing young children be different to crimes against adults? It devalues the worth of children to think name suppression is justified in these cases.

The rights and needs of the survivor must take priority over the rights and needs of the offender. The message coming from the courts must very clearly state that the convicted offender is the person who is responsible and accountable for his or her actions not the victim.

We recommend that:

Name suppression of a convicted offender is only resorted to in exceptional circumstances.

3.6 Limitations of Name Suppression

If name suppression is granted and this is the wish of the victim or the victim is a child or young person there must be mechanisms in place to ensure its effectiveness.

The next Tuesday, after the sentencing, 'cause everything that goes through the courts up there is printed in the local papers. So on the Tuesday when it came out in the paper, it had his age, and because of his job as a pest destruction officer, he was the only one in the area, they may as well have printed the name. My Mother made them all aware of that because she went and actually saw the reporter and turned around and said, you may as well have printed our name, you go home and explain to my kids why you've done this to them.

[The name suppression] protected him, it didn't protect us. What a waste of time.

Suppressing details such as occupation and the relationship between the survivor and the offender will assist in ensuring the anonymity of the survivor.

We recommend that:

Mechanisms be put in place to ensure name suppression is effective.

3.7 The Right to Revisit Decisions

Decisions regarding name suppression of the offender are sometimes made in the early stages of a survivor's recovery process or are made on behalf of a survivor, as is the case with a child or young person. Survivors report that as their journey of recovery has progressed they have come to regret earlier decisions. Decisions made in these stages of recovery are often counter productive to the recovery process in later stages. They feel angry with themselves that they could not withstand the pressure they felt at the time to agree to name

suppression of the offender. Some survivors believe that they have been further manipulated even though they were perhaps not consulted.

Rosalind (a survivor I have interviewed) was not involved in the decision making when a judge, to protect her anonymity, permanently suppressed her and her father's name. This action did not protect her anonymity. Rosalind believes she would have requested name suppression had she been asked. Ten years later I asked her if she would like name suppression lifted even though it would mean that she would be identified as a survivor of child sexual abuse. Her response was:

Yep, I've got no problem with that at all

Rosalind feels that the only way she can protect other children from this particular offender is to have his name published.

The decisions of the criminal justice system and the civil justice systems can contradict each other. Permanent name suppression was given in a case involving a brother and sister who were sexually abused by an uncle. Due to the age of the charges Justice Smellie, of the High Court in Auckland, allowed a stay of proceedings on the grounds of abuse of process (C v R. Feb 16, 1994). The brother pursued the charges in the civil court, which were heard in front of Justice Fisher in the High Court, Auckland. Legal counsel for the survivor successfully argued that the name suppression should not be granted to either the survivor or the offender. Legal counsel for the offender defended this vigorously. In the criminal case all names were suppressed, in the civil case names were not suppressed. The sister's name is still suppressed as she was not involved in the civil case and all aspects of the criminal case remain suppressed. In this instance both the brother and the sister wanted name disclosure of the offender and were satisfied with the outcome.

We recommend that:

When name suppression has been granted the survivor has the right to revisit this decision.

4 In Conclusion

The realities for survivors of child sexual abuse are very different. The relationship between the offender and the survivor, the age the survivor was when the abuse occurred, whether the experience was an isolated incident or occurred over a number of years combine to create unique circumstances for each survivor. Children and young persons addressing current or very recent sexual abuse have different needs to adults addressing historical sexual abuse. Children must continue to have the full protection of the law. Adult survivors are motivated to pursue formal proceedings for a variety of reasons. Furthermore adult survivors are in different stages of the recovery process. These factors combine to create very different expectations of formal proceedings. The law must provide sufficient flexibility to better meet these expectations.

One commonality shared by all survivors of child sexual abuse is the need for empowerment. If survivors are involved in the decision making process regarding name suppression of the offender and or the survivor they are not only empowered but are able to regain some of the control over their lives that they lost through the abusive experience. To facilitate this judges need to have access to relevant information and training regarding the sexual abuse of children. An advisory committee could provide invaluable information to judges and child sexual abuse survivors in the criminal justice system. A Child Sexual Abuse Advisory Committee would be a neutral body drawing on multi disciplinary expertise with a fund raising component to enable research, policy advice and advice on training.

We recommend that:

Consideration be given to the formation of a Child Sexual Abuse Advisory Committee.

5 Recommendations Restated

- 5.1 The rights of children or young persons regarding name suppression continue to be protected in law.
- 5.2 Courts consult with children or young persons, in an age appropriate manner, regarding name suppression of both the convicted offender and or the survivor.
- 5.3 Courts recognise that parents are not always appropriate advocates or support persons for a child or young person.
- 5.4 All those organisations involved in providing care and or services to children and young persons have access to accurate information regarding the safety of potential employees.
- 5.5 The Courts establish procedures that will ensure adult survivors are in control of all issues regarding name suppression.
- 5.6 Courts automatically presume name suppression will not be granted to the convicted offender.
- 5.7 The survivor has the right to request name suppression of the offender but the court must be convinced exceptional circumstances exist such as in the instance of intra-familial child sexual abuse.
- 5.8 Name suppression or name disclosure either for themselves or the convicted offender be recognised as an integral part of the recovery process of survivors.
- 5.9 Name suppression of a convicted offender is only resorted to in exceptional circumstances.
- 5.10 Mechanisms be put in place to ensure name suppression is effective.
- 5.11 When name suppression has been granted the survivor has the right to revisit this decision.
- 5.12 Consideration be given to the formation of a Child Sexual Abuse Advisory Committee.

6 References

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Appendix ii : Estimated Costs of Child Sexual Abuse

Table ii.i: Total Costs to Individuals – Family Violence

Costs of family violence to individuals have been deconstructed to those unit costs that were applicable to victims of child sexual abuse (Snively, 1994:32-36). All figures in the following spreadsheets were rounded and were calculated from the Base Scenario. All dollar costs have been expressed in 1993/1994 dollar terms.

Item	Costs	Numbers	Per Victim	Notes
	Family Violence	Family Violence		
Total Costs To Individuals		37,144		
Accommodation				
Refuge	\$1,364,720			
Private Rental	\$104,096,060	9,286	\$11,210	1
Home Purchase	\$3,157,240			
Legal Costs				
Domestic Protection	\$0			
Legal Representation	\$2,901,000			
Custody Disputes	\$0			
Medical Costs				
GP Visits	\$1,016,260	21,172	\$48	2
Hospital Stays	\$0			
Drugs	\$84,688	21,172	\$8	3
Dental	\$557,160			
Income Costs				
Income Cost	\$234,118,632	37,144		
Paid Work Cost				
Child Care Full time	\$21,394,944			
Child Care Part time	\$13,650,420			
Loss of Work time	\$379,730	830		
Unallocated Costs				
Death		11		
Loss of victim's earnings	\$284,515	11		4
Loss of offenders "	\$667,945	19		5
Total	\$383,673,314			

Notes

- Those costs pertaining to child sexual abuse were carried across to the "Per Victim" column. Private rental included deposit, annual rent and expenses, furniture and household goods.
- 57% of all victims had 2 extra visits to the GP per annum at \$24 per visit.
- 57% of all victims had 2 extra scripts per annum at \$4 per script.
- For the year ended 31 Dec 1993, there were 19 domestic related murders, 8 of whom were children. Labour Department for quarter at mid-February 1994: Average annual earnings for females \$25,865. Eleven victims represented a total cost of \$284,515. The deaths of 8 children were not costed.
- Labour Department for quarter at mid-February 1994: Average annual earnings for males \$35,155. Nineteen offenders were assumed incarcerated, representing a cost of \$667,945.

Table ii.ii: Government Costs of Healthcare – Family Violence

Government costs of health care have been deconstructed to those unit costs that were applicable to victims of child sexual abuse (Snively, 1994:37).

Item	Costs	Numbers	Per Victim	Notes
	Family Violence	Family Violence		
Govt Cost of Healthcare		301,691		
GP Visits	\$26,548,808	603,382	\$88	1
Psychiatrists	\$3,077,248	12,067	\$255	2
Community Health/Welfare				
Psychologist/ Soc Wkr	\$20,768,685	407,229	\$51	3
Groups	\$0			
Hospital Costs				
Accident and Emergency	\$7,693,146	150,846		
Admissions	\$57,545,666	16,955	\$3,394	4
Psychiatric Hospitals	\$4,329,265	603	\$7,180	5
Dental Hospital	\$7,542,200			
Child Guidance Clinic	\$13,215,732	259,132	\$102	6
Total	\$140,720,750			

Notes

1. 57% of victims visited a GP for an extra 2 visits per annum at a cost of \$7 per visit, plus 1 script per visit at a cost of \$37 per script. An average cost to government of \$44 per visit.
2. 4% of all victims accessed government funded psychiatric outpatient care over 5 visits, at an average cost to government of \$51 per visit, \$255 per victim.
3. All victims accessed a community health psychologist or social worker, at least once, at a cost to government of \$51 per visit.
4. 5.6% of victims were admitted to hospital at an average cost to government of \$3,394 per victim.
5. 0.2% of victims were admitted to psychiatric hospitals at an average cost to government of \$7,180 per victim.
6. 5% of child victims up to age 14 visited child guidance clinics twice at a cost of \$51 per visit. A total cost to government of \$102 per victim.

Table ii.iii: Government Costs of Welfare – Family Violence

Government costs of welfare have been deconstructed to those unit costs that were applicable to victims of child sexual abuse (Snively, 1994:38-39).

Item	Costs	Numbers	Per Victim	Notes
	Family Violence	Family Violence		
Govt Cost of Welfare		301,691		
Dept of Justice				
Funding to Family Viol	\$550,460	301,691	\$2	1
Dept of Social Welfare				
Rape Crisis	\$1,350,771	301,691	\$4	2
Women's Refuge	\$2,917,691			
Marriage Guidance	\$0			
CYFS				
Funding to Family Viol	\$108,407,000	301,691	\$359	3
Income Support				
Domestic Purposes	\$165,680,718	301,691	\$549	4
Unemployment	\$223,799,798	301,691	\$742	
Sickness	\$40,654,224	301,691	\$135	
Accommodation Supplement	\$30,133,600	301,691	\$100	
Independent Youth	\$0	301,691	\$0	
Special Needs Grant	\$2,586,272	301,691	\$9	
Child care subsidy	\$5,515,244	301,691	\$18	
Total	\$581,595,778			

Notes

1. Percentage of total funding related to family violence, divided by the estimated numbers of victims.
2. Percentage of total funding related to family violence, divided by the estimated numbers of victims.
3. Percentage of total funding related to family violence, divided by the estimated numbers of victims.
4. Percentage of total funding of all income support that related to family violence, divided by the estimated numbers of victims.

Table ii.iv: Government Costs of Family Court – Family Violence

Government costs of Family Court Services have been deconstructed to those unit costs that were applicable to victims of child sexual abuse (Snively, 1994:40-41).

Item	Costs	Numbers	Per Victim	Notes
	Family Violence	Family Violence		
Govt Cost of Family Court		37,144		
Police	\$12,918,729	37,144	\$348	1
Domestic Protection Orders	\$1,717,392			
Counselling	\$2,030,700	5,802	\$350	2
Court Costs				
Chambers and Mediation	\$2,706,691	5,802	\$467	
Defended Hearing	\$3,818,412	1,934	\$1,974	
Custody/Access	\$2,920,123			
Total	\$26,112,047			

Notes

1. Number of callouts multiplied by the average number of hours per callout. Cost per hour for police time was \$33. Average hours per offence were 22.3 hours. Average hours per incident were 1.5 hours. Total number of offences was 16,136. Total number of incidents was 21,008. Average cost per victim was \$348.
2. It was assumed that this cost was carried by ACC.

Table ii.v: Government Costs of Law Enforcement – Family Violence

Government costs of law enforcement have been deconstructed to those unit costs that were applicable to victims of child sexual abuse (Snively, 1994:42).

Item	Costs	Numbers	Per Victim	Notes
	Family Violence	Family Violence		
Govt Cost of Law Enforcement				
Legal Aid				
Representation	\$0			
Court costs	\$0			
Community Corrections		37,144		
Periodic Detention	\$4,599,780	1,978	\$2,325	1
Community Sentences	\$1,247,568	1,327	\$940	2
Incarceration	\$75,999,000	1,842	\$41,259	3
Other		1,896		4
Victims Compensation		37,144		
Physical Assault	\$3,547,668			
Sexual Abuse	\$2,313,460	4,415		5
Total	\$87,707,476			

Notes

1. Estimated number of family violence cases multiplied by the cost. Average time per sentence was equal to one year.
2. As per Note 1.
3. Estimated number of offenders incarcerated for an average of 15 months at a cost of \$33,000 p.a.
4. Those that were convicted but did not receive a sentence.
5. ACC compensation was calculated in the costing of child sexual abuse under the heading of ACC Counselling.

Table ii.vi: Costs to Others – Family Violence

Costs to others have been deconstructed to those unit costs that were applicable to victims of child sexual abuse (Snively, 1994:69).

Item	Costs	Numbers	Per Victim	Notes
	Family Violence	Family Violence		
Costs to Others		301,691		
Lost Working Days/				
Productivity Losses	\$2,816,395		\$238	1
School/Young Leavers	\$106,925,816	4,589		
	\$109,742,211			

Note

1. Employers lost 25% of 2 days gross wages due to lost productivity of victims of family violence. One day’s average wage equalled \$119. Final cost to employers was 25% of 2 days pay.

Table ii.vii: Total Costs to Individuals – Child Sexual Abuse

Costs to individual victims have been calculated as per the estimated number of victims affected and extrapolated over the prevalence rate of all victims of child sexual abuse (CSA). All figures were rounded by the original spreadsheet.

Item	Per Victim	Percent/ Numbers	Number of Victims	Annual Costs CSA	Avg Cost Per Victim	Notes
Total Costs To Individuals					(All Victims)	
Accommodation						
Refuge						
Private Rental	\$11,210	1%	4,716	\$52,867,994	\$85	1
Home Purchase						
Legal Costs						
Domestic Protection						
Legal Representation						
Custody Disputes						
Medical Costs						
GP Visits	\$48	57%	353,503	\$16,968,226	\$27	2
Hospital Stays						
Drugs	\$8	57%	353,503	\$2,828,026	\$5	
Dental						
Income Costs						
Income Cost						
Income Reduction (FT)	\$3,051	100%	212,970	\$649,772,660	\$1,048	3
Income Reduction (PT)	\$900	100%	64,269	\$57,842,262	\$93	
Paid Work Cost						
Child Care Full time						
Child Care Part time						
Loss of Work time						
Unallocated Costs						
Death						
Loss of victim's earnings						
Loss of offenders earnings	\$10,000	481		\$4,812,267	\$8	4
ACC Surcharge Counselling	\$10	15	9,982	\$1,497,300	\$2	5
Total				\$786,588,736	\$1,268	

Notes

1. Assumed that 1% of all victims over the age of 16 accrued additional rental costs.
2. Assumed that 57% of all victims had 2 extra visits to a GP per annum and each visit produced one script. A total cost to individuals of \$48 + \$8.
3. Assumed that 100% of all victims over the age of 15 in full time and part time employment lost 10% per annum when compared to those who were not sexually victimised as children. Average annual income \$30,510; median part time income \$9,000 per annum.
4. Assumed that an estimated 26.13% of those incarcerated for family violence were incarcerated for child sexual abuse, incurring a loss of \$10,000 per annum to their families.
5. ACC reported 9,982 new claims year ending 1996 (lowest number over 3 years 1993 to 1996), each of which were entitled to between 15 and 20 hours counselling. Survivors reported varying amounts of surcharges they were expected to pay. The most common surcharge was \$10.

Table ii.viii: Government Costs of Healthcare – Child Sexual Abuse

Government costs of healthcare have been calculated as per the estimated number of victims affected and extrapolated over the prevalence rate of all victims.

Item	Per Victim	Percent/ Numbers	Number of Victims	Annual Costs CSA	Avg Cost Per Victim	Notes
Govt Cost of Healthcare						
GP Visits	\$88	57%	353,503	\$31,108,291	\$50	1
Psychiatrists	\$255	4%	18,865	\$4,810,724	\$8	2
Community Health/Welfare						
Psychologist/ Soc Worker	\$51	50%	235,807	\$12,026,175	\$19	3
Groups						
Hospital Costs						
Accident and Emergency						
Admissions	\$3,394	0.2%	1,240	\$4,209,819	\$7	4
Psychiatric Hospitals	\$7,180	0.2%	943	\$6,771,955	\$11	5
Dental Hospital						
Child Guidance Clinic	\$102	5%	7,428	\$757,690	\$1	6
ACC Funded Counselling	\$50	15	9,982	\$7,486,500	\$12	7
Total				\$67,171,154	\$108	

Notes

- 57% of victims visited a GP 2 extra times per annum at a cost of \$7 per visit, plus 1 script per visit at a cost of \$37 per script. An average cost to government of \$44 per visit.
- 4% of victims, over the age of 16, accessed psychiatric outpatient care over 5 visits, at an average cost to government of \$51 per visit, \$255 per victim.
- 50% of victims, over the age of 16, accessed a community health psychologist or social worker at least once at a cost to government of \$51 per visit.
- 0.2% of victims were admitted to hospital at an average cost to government of \$3,394 per victim.
- 0.2% of victims, over the age of 16, were admitted to psychiatric hospitals at an average individual cost to government of \$7,180 per victim.
- 5% of child victims, under the age of 16, visited child guidance clinics twice at a cost of \$51 per visit. A total cost to government of \$102 per victim.
- 9,982 new cases per year, attended 15 sessions of counselling at a cost to the government of \$50 per session

Table ii.ix: Government Costs of Welfare – Child Sexual Abuse

The government cost of welfare has been calculated by applying the appropriate percentage to the funding to determine an average cost for all victims of child sexual abuse.

Item	Per Victim/ Total Cost	Percent/ Numbers	Number of Victims	Annual Costs CSA	Avg Cost Per Victim	Notes
Govt Cost of Welfare					(All victims)	
Dept of Justice						
Funding to Family Viol	\$2	26.13%		\$143,809	\$0	1
Dept of Social Welfare						
Rape Crisis	\$4	50%		\$675,386	\$1	2
Women's Refuge						
Marriage Guidance						
CYFS						
Funding to Family Viol	\$108,407,000	8.25%		\$8,943,578	\$14	3
Income Support						
Domestic Purposes	\$165,680,718	17%	620,181	\$28,165,722	\$45	4
Unemployment	\$223,799,798	17%	620,181	\$38,045,966	\$61	
Sickness	\$40,654,224	17%	620,181	\$6,911,218	\$11	
Accom Supplement	\$30,133,600	17%	620,181	\$5,122,712	\$8	
Independent Youth						
Special Needs Grant	\$2,586,272	17%	620,181	\$439,666	\$1	
Child care subsidy	\$5,515,244	17%	620,181	\$937,591	\$2	
Total				\$89,385,647	\$144	

Notes

1. Assumed that 26.13% of funding related to family violence was used by victims of child sexual abuse. Total was less than \$1 but due to rounding appears as zero dollars.
2. Assumed that 50% of funding for Rape Crisis was used by victims of child sexual abuse.
3. Assumed that 8.25% of family violence funding within the Department of Family and Child was used by victims of child sexual abuse.
4. Assumed that 17% of total funding was used by victims of child sexual abuse.

Table ii.x: Government Costs of Family Court – Child Sexual Abuse

It was assumed that the government cost of family court services related to child sexual abuse was 26.13% of those costs identified with family violence.

Item	Per Victim	Percent/ Numbers	Number of of Victims	Annual Costs CSA	Avg Cost Per Victim	Notes
Govt Cost of Family Court					(All victims)	
Police	\$348	26.13%	9,704	\$3,375,048	\$5	1
Domestic Protection Orders						
Counselling						2
Court Costs						
Chambers and Mediation	\$467	26.13%	1,516	\$707,129	\$1	3
Defended	\$1,974	26.13%	505	\$997,569	\$2	4
Hearing Custody/Access						
Total				\$5,079,746	\$8	

Notes

1. Number of callouts multiplied by the average number of hours per callout. It was assumed that 26.13% of family violence funding was used for child sexual abuse in all cost categories of the Government cost of Family Court. Cost per hour for police time was \$33. Average hours per offence were 22.3 hours. Average hours per incident were 1.5 hours. Total offences were 16,136. Total number of incidents was 21,008. Average cost per victim was \$348.
2. Counselling was counted in the category of ACC funded counselling, Government Costs of Healthcare.
3. It was assumed that 26.13% of family violence offenders were charged with child sexual abuse. The average cost was multiplied by the estimated number of cases.
4. See note 3 above.

Table ii.xi: Government Costs of Law Enforcement – Child Sexual Abuse

It was assumed that the cost to government of law enforcement related to child sexual abuse was 26.13% of family violence estimates.

Item	Per Victim	Percent/	Number of	Annual Costs	Avg Cost	Notes
		Numbers	of Victims	CSA	Per Victim	
Govt Cost of Law Enforcement						
Legal Aid						
Representation						
Court costs						
Community Corrections						
Periodic Detention	\$2,325	26.13%	517	\$1,201,703	\$2	1
Community Sentences	\$940	26.13%	347	\$325,930	\$1	
Incarceration	\$41,250	26.13%	481	\$19,854,914	\$32	
Other			495			
Victims' Compensation						
Physical Assault						
Sexual Abuse						
Total				\$21,378,237	\$34	

Notes

1. Assumed that 26.13% of family violence cases were offenders of child sexual abuse. Number of offenders multiplied by the cost.

Table ii.xii: Costs to Others – Child Sexual Abuse

Costs to others and the revictimisation costs related to child sexual abuse.

Item	Per Victim	Percent/ Numbers	Number of Victims	Annual Costs CSA (All Victims)	Avge Cost Per Victim	Notes
Costs to Others						
Employer Costs						
Lost Working Days/ Productivity Losses	\$238	25%	212,970	\$12,671,738	\$20	1
Costs to Third Parties School/Young Leavers						
Revictimisation Costs						
Base Scenario (Snively)	\$1,234,706.008	50%		\$617,353,004	\$995	2
				\$630,024,742	\$1,015	

Notes

1. Employers lost 25% of 2 days pay at an average daily pay rate of \$119 for all victims over the age of 16 in full time employment.
2. 50% of all survivors experienced revictimisation as adults as per costs calculated by Snively (1994) Base Scenario.

Table ii.xiii: Summaries

Column 2: Family Violence has summarised the totals as per Snively's costing analysis.

Column 3: Child Sexual Abuse has summarised the totals as per the costing of child sexual abuse.

Column 4: Per CSA Victim has summarised the costs of child sexual abuse as an average of all child sexual abuse victims. This figure was used to estimate the potential savings in the Cost Benefit Analysis.

Category	Family Violence	Child Sexual Abuse	Per CSA Victim
Total Costs To Individuals	\$383,673,314	\$786,588,736	\$1,268
Govt Cost of Healthcare	\$140,720,750	\$67,171,154	\$108
Govt Cost of Welfare	\$581,595,778	\$89,385,647	\$144
Govt Cost of Family Court	\$26,112,047	\$5,079,746	\$8
Govt Cost of Law Enforcement	\$87,707,476	\$21,378,237	\$34
Costs to Others	\$109,742,211	\$12,671,738	\$20
Subtotal	\$1,329,551,576	\$982,275,258	\$1,584
Revictimisation Costs		\$617,353,004	\$995
Lost Quality of Life		\$549,709,037	\$66,519
TOTAL	\$1,329,551,576	\$2,149,337,299	\$69,098

Table ii.xiv: Estimated Victims of Child Sexual Abuse

The following *table* has summarised the various statistics used in the calculations that have estimated the costs of child sexual abuse in New Zealand.

Prevalence Rates (Lapsley, 1993:vii)			
Women	0.25		
Men	0.09		
Average Prevalence	0.17		
Reporting Rate (Anderson et al., 1993:915)		7.5%	
		Prevalence	
New Zealand Population: NZ Census 1996		of CSA	
Total female	1,840,839	460,210	
Total male	1,777,461	159,971	
Total Population	3,618,300	620,181	
Females 16 yrs and over	1,410,363	352,591	
Males 16 yrs and over	1,322,487	119,024	
Total Population 16 yrs and over	2,732,850	471,615	
Workforce Participation >15 yrs (Statistics NZ, 1998:40)			Total victims in Workforce
Fulltime men and women	1,252,767	17%	212,970
Part time men and women	378,054	17%	64,269

Appendix iii : The Cost Benefit Analysis

The Costs of Restorative Justice

The following four tables detail the costing analysis of the Restorative Justice Pilot as outlined in the working papers that accompany the paper prepared by the Cabinet Committee on Health and Social Policy, HSP (97) 137, November 21 1997. All costs have been expressed in 1997 dollar value terms.

Table iii.i: Description of Start Up Cost Categories

Cost	Description
Advertise, recruit and train staff	Expenses related to the advertising, recruitment and training of full time staff, travel expenses related to training.
Office set up	The costs of fitting out 4 offices with work stations, desks, chairs, filing cabinets and other office furniture. The costs of computers, meeting rooms and furniture.
Development of protocols etc	Costs of setting up operating procedures and protocols for dealing with victims, offenders and their communities.
Development of traditional process	The costs of consulting with different cultural groups about the nature of the model.
Travel costs	Costs related to liaison between sites.
Develop and deliver training	Training needs covering a range of disciplines. Travel, allowances and accommodation for specialists and trainees.
Develop education/information	Includes newsletters, strategy development, creative art work and pamphlets.
Consultation with victims' organisations	Costs related to focus discussion groups involving representatives of victims' organisations regarding the needs of victims. Includes travel costs, cost of venue and a facilitator.

Table iii.ii: Restorative Justice Pilot: Start Up Costs

Description	Cost
Advertise Recruit and train Staff	\$25,000
Office set up	\$80,000
Development of Protocols etc	\$30,000
Development of traditional process	\$20,000
Travel Costs	\$5,000
Develop and deliver Training	\$150,000
Develop education/information	\$145,550
Consultation with victims' organisations	\$5,000
Total Set up	\$460,550

Notes

- To determine the start up costs of a restorative justice system, the total set up costs of \$460,550 were divided by 900, the number of estimated clients in the life of the Restorative Justice Pilot Programme (see *Table iii.iv*, page 405).

Table iii.iii: Description of Operating Cost Categories

Costs	Description
Project Staff Salaries	The cost of employing eight co-ordinators at up to \$45,000 per year and four administrative staff at up to \$30,000 per person per year.
Rental of Offices	Four offices accommodating 3 full time staff with parking space and a meeting room.
Vehicle Lease	The costs of one car per office travelling up to 150,000 kilometres per year.
Hiring of Community Venues	Costs to hire a community venue for conferences between victim and offender at a cost of approximately \$100 per meeting.
Security	Security at conferences at a rate of \$16.50 per hour for a minimum of 5 hours per conference.
Victim Support Fund	The cost to supply crisis intervention counselling if necessary.
Practitioners Fees	Fees for conference facilitators based on \$50 per hour.
Travel Costs	Travel expenses to enable co-ordinators to meet annually.
Advertising	Advertising expenses to raise awareness of restorative justice.
Professional Services	Costs for legal advice, accounting services, auditing, meetings of community advisory groups.
Evaluation Costs	Costs related to project management, research advisory group, interim report, data collection, the final report and publication.
Overheads	The salary and related costs of a national project manager.

Table iii.iv: Annual Operating Costs for the Restorative Justice Pilot Programme

Operating Costs	Year 1 (6 months)	Year 2	Year 3	Year 4	Totals
Salaries	\$240,000	\$480,000	\$480,000	\$480,000	\$1,680,000
Rental of office accommodation	\$60,000	\$120,000	\$120,000	\$120,000	\$420,000
Vehicle Lease	\$13,000	\$26,000	\$26,000	\$26,000	\$91,000
Hiring community venues	\$40,000	\$80,000	\$120,000	\$120,000	\$360,000
Security	\$33,000	\$66,000	\$99,000	\$99,000	\$297,000
Victim support fund	\$10,000	\$20,000	\$20,000	\$20,000	\$70,000
Practitioners' fees	\$100,000	\$200,000	\$300,000	\$300,000	\$900,000
Travel costs	\$5,000	\$10,000	\$10,000	\$10,000	\$35,000
Advertising	\$50,000	\$100,000	\$100,000	\$100,000	\$350,000
Professional services	\$35,000	\$70,000	\$70,000	\$70,000	\$245,000
Operating Costs	\$586,000	\$1,172,000	\$1,345,000	\$1,345,000	\$4,448,000
Evaluation costs	\$167,190	\$354,000	\$372,000	\$137,500	\$1,030,690
Overheads	\$120,000	\$120,000	\$120,000	\$120,000	\$480,000
Total Annual Costs	\$873,190	\$1,646,000	\$1,837,000	\$1,602,500	\$5,958,690
Number of Clients	100	200	300	300	900

Notes

1. It was assumed that if 900 clients generated costs of \$5,958,690 over 4 years, it could also be assumed that each conference would cost \$7,448 inclusive of GST. To accommodate more than one conference, the cost for per client was increased to \$9,500.

Assumptions That Underpin the Model

The following series of tables have been copied from the spreadsheet model. The first series of tables have outlined the assumptions underlying the cost benefit analysis. The remaining tables have displayed the results of the cost benefit analysis based on those assumptions. Standard rounding procedures of numbers were used to display results in the spreadsheet. Calculations were based on real numbers, not on the rounded numbers that have been displayed in the following tables. The component arguments of these calculations were the rounded results of previous arguments; therefore manual checking of the data in the following tables would produce different results to those displayed.

Table iii.v: Potential Client Numbers

Statistic Category	Percent	Number	Notes
Numbers reporting CSA		9,704	1
Numbers seeking alternatives (Take up Rate)	10%		2
Number of potential offenders/survivors		970	3
Completed Conferences	49%	475	4
Conferences not completed	51%	495	

Notes:

1. Estimated numbers of victims that have reported child sexual abuse to the police.
2. It was estimated that the take up rate was 10%.
3. The number of potential victims that could opt for a restorative justice process was estimated as 10% of 9,704.
4. The estimated rate of completion for conferencing was 49% of those who could opt for restorative justice.

Table iii.vi: Recurring Costs

Recurring Costs	Per Conference	Number	1997 Dollars	2000 Dollars	Notes
Completed Conference	\$9,500	475	\$4,517,212	\$4,739,221	1
Conference not Completed	\$3,000	495	\$1,484,712	\$1,557,682	2
Total Recurring Costs			\$6,001,924	\$6,296,903	

Notes:

1. It was determined that 475 completed conferences costs \$9,500 each in 1997 dollar terms.
2. It was determined that 495 conferences not completed cost \$3,000 each in 1997 dollar terms

Table iii.vii: Potential Savings on Costs of Child Sexual Abuse

Potential Savings for 475 Victims	1993/94 Dollars	2000 Dollars	Notes
Average Tangible Cost per CSA victim	\$2,579	\$2,958	1
Deduct Community Corrections	\$34	\$40	2
Net cost per CSA Victim	\$2,545	\$2,919	
Total net costs – 475 victims	\$1,210,052	\$1,387,845	3
Quality of Life per victim	\$66,519	\$76,292	4
Total Quality of Life – 475 victims	\$31,629,289	\$36,276,575	

Notes:

1. Average cost per victim was derived from Chapter 11: The Estimation of Costs of Child Sexual Abuse in New Zealand.
2. The average cost of community corrections per victim was deducted to ensure there was no double counting of benefits or savings on costs.
3. The net costs per victim were multiplied by the potential number of clients: 475 victims.
4. The quality of life per victim were derived from Chapter 11: The Estimation of Costs of Child Sexual Abuse in New Zealand and multiplied by the potential number of clients: 475 victims.

Table iii.viii: Savings on Community Corrections

	Cost p.a.	No of Offenders	Take Up Rate	Completed	Savings	Notes
Community Service	\$940	347	35	17	\$7,984	1
Periodic Detention	\$2,325	517	52	25	\$29,436	
Incarceration	\$33,000	481	48	24	\$389,072	
Total Savings					\$426,492	2

Notes:

1. The number of offenders and individual costs were determined in Chapter 11: An Estimation of the Costs of Child Sexual Abuse in New Zealand. It was assumed that the take up rate was 10%. It was assumed that each completed restorative conference, 49% of potential clients (475), would result in a 6 month reduction of sentence.
2. \$426,492 inflated from 1993/94 dollars to 2000 dollars would be \$489,156

Table iii.ix: Estimated Savings on Costs of Child Sexual Abuse

Savings	Unit Cost	2000 Dollars	Notes
10% Net Tangible Costs		\$138,784	1
10% Intangible Costs		\$3,627,658	2
Community Corrections 6 Months reduced sentence		\$489,156	2
Court Costs and Associated Savings – 475 conferences	\$500	\$237,748	3
Total Costs for 1 victim	\$79,250		4
Total savings for 24 avoided victims		\$1,884,161	6
Total Savings (Benefits)		\$6,377,507	

Notes:

1. It was assumed that there would be a 10% savings on the net tangible costs for 475 victims of child sexual abuse who completed the alternative process.
2. It was assumed that there would be a 10% savings on the intangible costs for 475 victims of child sexual abuse who completed the alternative process
3. It was assumed that 475 completed restorative conferences resulted in a six month reduction in sentencing.
4. It was assumed that each completed restorative justice process, 49% of potential clients (475), resulted in a saving of \$500 in costs related to processing an offender through the court system.
5. The total costs for one victim were derived from Chapter 11: An Estimation of the Costs of Child Sexual Abuse in New Zealand and have been expressed in 2000 dollar values.
6. It was assumed that for every 20 completed restorative conferences, one offender would avoid victimising one new victim (475/24).
7. The costs for one victim multiplied by the number of avoided victims.

Table iii.x: Time Value of Money Model – Cost Benefit Analysis (Part 1)

	Year	Year	Year	Year	Notes
	0	1	2	3	
Economic Benefit		\$6,377,507	\$6,377,507	\$6,377,507	
Discount Factor (10%)		0.91	0.83	0.75	
Present Value (PV) of Benefits		\$5,797,734	\$5,270,667	\$4,791,515	1
Present Value (PV) of all Benefits		\$5,797,734	\$11,068,401	\$15,859,916	2
One Time Costs (Start Up Expenses)	\$483,185				
Recurring Costs		\$6,296,903	\$6,296,903	\$6,296,903	
Discount Factor		0.91	0.83	0.75	
Present Value (PV) of Recurring Costs		\$5,724,457	\$5,204,052	\$4,730,957	3
Present Value (PV) of all costs	\$483,185	\$6,207,642	\$11,411,695	\$16,142,651	4
<i>Annual Net Present Value</i>		\$73,277.00			5
Overall Net Present Value	-\$483,185	-\$409,909	-\$343,294	-\$282,735	6
Benefit Cost Ratio		0.93	0.97	0.98	7
Overall Return on Investment (ROI)		16.68%			8
Break Even Analysis					
Yearly NPV Flows of Costs and Benefits		\$73,276	\$66,615	\$60,559	9
Overall NPV Flows of Costs and Benefits	-\$483,185	-\$409,909	-\$343,294	-\$282,735	10
Cost Benefit Analysis (break even point)					11

Notes

1. Present value of benefits calculated by multiplying the economic benefit by the discount factor using the formula explained in Chapter 12: A Cost Benefit Analysis.
2. Present value of all benefits calculated by accumulating the benefits.
3. Present value of recurring costs was calculated by multiplying the recurring costs by the discount factor as per note 1.
4. Present value of all costs calculated by accumulating all costs, including the start up costs.
5. Note that the benefits minus the costs (excluding start up costs) would be positive in the first year.
6. Overall Net Present Value calculated by subtracting the present value of all costs from the present value of all benefits.
7. The benefit cost ratio was calculated by dividing the present value of all benefits by the present value of all costs.
8. The ROI was calculated by subtracting the undiscounted recurring costs from the undiscounted economic benefits, divided by the start up costs.
9. The yearly NPV flows of costs and benefits was calculated by subtracting the PV costs from the PV Benefits.
10. Overall NPV flows of costs and benefits was calculated by subtracting the PV of all benefits from the PV of all costs.
11. The break even point would be calculated in the year when Overall NPV cash flows were positive.

Table iii.xi: Cost Benefit Analysis (Part 2)

	Year	Year	Year	Year
	4	5	6	7
Economic Benefit	\$6,377,507	\$6,377,507	\$6,377,507	\$6,377,507
Discount Factor (10%)	0.68	0.62	0.56	0.51
Present Value (PV) of Benefits	\$4,355,923	\$3,959,930	\$3,599,936	\$3,272,670
Present Value (PV) of all Benefits	\$20,215,839	\$24,175,769	\$27,775,706	\$31,048,375
One Time Costs (Start Up Expenses)				
Recurring Costs	\$6,296,903	\$6,296,903	\$6,296,903	\$6,296,903
Discount Factor	0.68	0.62	0.56	0.51
Present Value (PV) of Recurring Costs	\$4,300,870	\$3,909,881	\$3,554,438	\$3,231,307
Present Value (PV) of all costs	\$20,443,521	\$24,353,402	\$27,907,840	\$31,139,147
<i>Annual Net Present Value</i>				
Overall Net Present Value	-\$227,682	-\$177,633	-\$132,134	-\$90,772
Benefit Cost Ratio	0.99	0.99	1.00	1.00
Overall Return on Investment (ROI)				
Break Even Analysis				
Yearly NPV Flows of Costs and Benefits	\$55,053	\$50,049	\$45,499	\$41,362
Overall NPV Flows of Costs and Benefits	-\$227,682	-\$177,633	-\$132,134	-\$90,772
Cost Benefit Analysis (break even point)				

Table iii.xii: Cost Benefit Analysis (Part 3)

	Year	Year	Year	Notes
	8	9	10	1
Economic Benefit	\$6,377,507	\$6,377,507	\$6,377,507	
Discount Factor (10%)	0.47	0.42	0.39	
Present Value (PV) of Benefits	\$2,975,154	\$2,704,686	\$2,458,805	
Present Value (PV) of all Benefits	\$34,023,529	\$36,728,215	\$39,187,020	
One Time Costs (Start Up Expenses)				
Recurring Costs	\$6,296,903	\$6,296,903	\$6,296,903	
Discount Factor	0.47	0.42	0.39	
Present Value (PV) of Recurring Costs	\$2,937,552	\$2,670,502	\$2,427,729	
Present Value (PV) of all costs	\$34,076,699	\$36,747,200	\$39,174,929	
<i>Annual Net Present Value</i>				
Overall Net Present Value	-\$53,170	-\$18,986	\$12,091	
Benefit Cost Ratio	1.00	1.00	1.00	
Overall Return on Investment (ROI)				
Break Even Analysis				
Yearly NPV Flows of Costs and Benefits	\$37,602	\$34,184	\$31,076	
Overall NPV Flows of Costs and Benefits	-\$53,170	-\$18,986	\$12,091	
Cost Benefit Analysis (break even point)			0.61	2

Notes

1. Given that a break even point has been reached in the 10th year, I have replicated the model to this point.
2. In year 10 the overall NPV has changed from negative to positive suggesting that break even occurs some time in the tenth year. This was calculated by subtracting the overall NPV from the yearly NPV, divided by the yearly NPV. The analysis would indicate that the break even point would be at 10.6 years. Inflation has not been accounted for.

Appendix iv : Formal Documentation

Ethics Application

NAME OF APPLICANT : SHIRLEY JÜLICH

DEPARTMENT : Department of Social Policy and Social Work

CURRENT EMPLOYMENT : Community Services Manager, IHC, North Harbour

PROJECT STATUS : PhD Study

FUNDING : Self funded

SUPERVISOR : Dr Marilyn Waring

TITLE : "What is it that adult survivors of child sexual abuse really want to see happen as they address this injustice through existing societal systems."

DESCRIPTION OF PROJECT

a) Justification.

The Victims of Offences Act, 1987, was the first formal acknowledgment by New Zealand society that victims have rights within the criminal justice system. This research project will reinforce those rights by involving victims themselves in determining the needs of those who were sexually abused as children. The knowledge gained from this research will contribute to the general knowledge pool and as survivors are directly involved in the research process the results will have particular relevance for those who are involved in policy making processes.

As a survivor of child sexual abuse this research project has relevance for me. As I do not consider myself to be any different from any other survivor it is likely to have relevance for broader population of child sexual abuse survivors.

b) Objectives.

The objectives of this research project are to determine:

- i) what survivors have experienced as they have disclosed historical sexual abuse as a child
- ii) identify the changes survivors would make to existing policy
- iii) their suggestions for alternative policies which could be implemented
- iv) their reasons for these decisions.

It is intended that the research process will:

- i) contribute to the healing process of those survivors in the research group.
- ii) enable a group of survivors to explore alternative models of justice.
- iii) sufficiently empower this group to influence policy by presenting a Ministerial to Parliament.

c) Procedure for recruiting participants and obtaining informed consent.

Participants will be recruited with the assistance of existing Survivors' Groups. All participants will be informed of the objectives of the research by group facilitators prior to me meeting with them. When I meet with members of this group I will further explain the objectives of the research project and discuss issues such as:

mutual expectations, the rights of all participants, confidentiality and legal implications. All intending participants will be given an information sheet by the group facilitator prior to any meetings. The full thesis proposal and a summary of the proposal will be available to all participants. Informed consent will only be requested once I am confident that each participant fully understands the research project and its processes. (Summary⁸⁵, Thesis proposal, Information Sheet and Informed Consent Form attached.)

d) Procedures in which research participants will be involved.

Participants will be involved in as many facets of the research process as they wish. I intend to hold group meetings and individual interviews. The group meetings will be used as a medium to inform all participants of various aspects of the research process. They will also be used for collaborative decision making and determining the direction of the research project. Individual interviews will be of an unstructured form for which I will have an interview prompt format as pre-determined within a group meeting.

e) Procedures for handling information and materials produced in the course of the research.

I will not collect any unnecessary data that could be used in an adverse manner at a later date. As this is personal research, in that it is not commissioned by any agency, I can reassure respondents that only I will have access to raw data. Respondents in fact remain owners of the data. I will undertake to keep all tapes and transcripts in a secure place during the research and writing stages and to destroy these on completion of the thesis. All backup copies will be kept in a separate location and will likewise be destroyed on completion of the thesis. Any data kept on a computer will be passworded and only I will know that password.

ETHICAL CONCERNS

a) Access to participants.

All those who participate will do so on a voluntary basis. Group meetings will be

⁸⁵ A summary was not used: the full thesis proposal was available to all participants.

arranged so that they are convenient for as large a number as possible. The venue will be the host Community House. Individual interviews will be held at a venue chosen by the participant at a time, which is convenient for the individual, and they will be encouraged to have a support person present.

b) Informed consent.

The rights, interests and sensitivities of the participants in the research project will be acknowledged and protected. All information regarding the research project will be conveyed both verbally and in writing. Questions will be encouraged and answered both within the group situation and in a "one on one" situation if this appears to be more appropriate.

c) Confidentiality.

I will be attempting to develop a position of trust within the group of survivors that I am intending to join. Because this group is likely to be relatively small, individuals within the group will be more readily identified (Finch 1986:203) and as I feed information back into the group I may identify participants to other participants (Finch 1986:206). It will be difficult to guarantee total anonymity in this instance but it is likely that in the group situation participants will be aware of each other's story particularly if they have met before in a group situation. However I will warn participants of this possibility and I will be particularly careful to ensure that this risk is minimised. Janet Finch (1986:203..207) describes two levels of confidentiality, the individual level and the collective level.

At the individual level (Finch 1986:204) raw data such as transcripts and field notes may incriminate the respondent's abuser. The participant may not be in the process of pursuing action through the criminal justice system or there may be legal issues such as cases which are sub-judice or a court ordered name suppression. I will caution participants that existing legal orders remain in force for purposes of this study and offenders should not be identified by name if the participant is in any doubt. I will give all participants a transcript copy of their interviews and will request they check this and erase any sensitive material. This will give them the opportunity to re-think the information they are prepared to share. I will request the participant to sign a permission form allowing me to use the approved material in an anonymous way.

(Permission form attached).

At the collective level, confidentiality can be compromised by encouraging the stigmatisation of a social group (Finch 1986:207). The findings may reinforce popular prejudices concerning the inadequacies of powerless groups of women or ethnic groups (Finch 1986:207). As this research exercise is intended to be a collaborative venture where ownership remains with the group, survivors will be empowered to challenge existing structures. An empowered, knowledgeable group is not an inadequate group therefore this study is more likely to undermine popular prejudices as opposed to reinforcing them. This process of empowerment will be assisted by the research method.

d) Potential harm to participants.

The research process may uncover illegal activities. The survivors of abuse that I come in contact with may reveal that they are abusing children. As this is a defined crime under the Crimes Act 1961, I will have no alternative but to report this to the appropriate authority. I will endeavour to make this quite clear to all participants at the outset of the research exercise. I will also discuss my legal responsibility with the survivor's group that I access. This declaration of my responsibility may influence the participation of other group members. As it is not my intention to cause members to drop out of an existing group I will discuss the implications of these issues with the group leader prior to my joining an existing group. This will enable the leader to consult with the group and hopefully establish their acceptance and approval of me as a group participant.

It may well be difficult for participants to separate their thoughts and feelings towards their abuse from the thoughts and feelings they have in relation to the topics and issues the research project will cover. Although I envisage that all participants will have completed or be undergoing counselling, some participants may still need to "debrief" after either the individual interview or the group meetings. I will attempt to identify those who do require this and refer them back to the counsellor attached to the host Community House or on to the correct agency. I intend to have the group facilitator (that person ordinarily responsible for facilitating group counselling meetings at the host Community House) present at the group meetings or at least

present at the initial meetings while I am in the process of developing my relationship with the participants as a group. By having the group facilitator present at group meetings, "debriefing" is likely to become a part of the meeting process which will continue despite the absence of the group facilitator.

e) Participants right to decline.

All participants have the right to decline an individual interview, the right to decline to answer any questions and the right to withdraw from the research project at any stage. Participants have the right to withdraw any information they have provided even though they may have previously agreed to provide information.

f) Arrangements for participants to receive information.

Minutes will be taken of all group meetings to act as a record and to inform those participants who for whatever reason were unable to attend. All individual interviews will be taped and later transcribed. Interview transcriptions will be returned to participants for editing and approval.

g) Use of the information.

Individual participants will have the right to control information they have provided, restrict access to it or to withdraw it from the research project. An individual participant will not have this right over another participant's information. I will be the only person to see raw data. If I wish to engage the services of an assistant, I will only do so with the approval of the group. Any assistant whom I may employ will be required to sign a confidentiality contract.

h) Conflicts of interest.

I will clearly outline my role as a researcher and ensure all participants understand I am not a counsellor.

I will be accountable to all participants in regards to use of material, which will be a collaborative process within the group.

i) Other ethical concerns relevant to the research.

By exposing my sexual abuse as a child and remaining very visible in the research process I may inadvertently cause embarrassment for innocent members of my

family. I intend to publish my thesis under my maiden name⁸⁶ and I have the approval of my parents to do this.

LEGAL ISSUES

a) Copyright.

All information gained from other texts will be correctly referenced and acknowledged.

b) Ownership of data or materials produced.

Raw data will remain the property of the individual participant. Only that information approved by each participant will be used in the research project.

c) Any other legal issue relevant to the research.

I am unable to identify the person who abused me as there is a name suppression order imposed by the High Court of New Zealand. I will identify this person as a trusted person within my family who is not a close blood relative.

OTHER ETHICAL COMMITTEES

I am not applying to any other ethical committees.

⁸⁶ As the thesis progressed, it became obvious that anonymity was not an issue for my family.

REFERENCES

Finch, Janet. (1986). Research and Policy: the uses of qualitative Methods in Social and Educational Research. London, The Falmer Press.

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Information Sheet

RESEARCH TITLE

What is it that adult survivors of child sexual abuse really want to see happen as they address this injustice through existing societal systems.

THE RESEARCHERS

The principal researcher is Shirley Jülich who has submitted a research proposal for her PhD, through the Department of Social Policy and Social Work, Massey University, Albany. The supervisor for this research project is Dr Marilyn Waring, Senior Lecturer with the Department of Social Policy and Social Work, Massey University, Albany. Each participant in the research project has an active part in the research process itself and will share the role of co-researcher with the principal researcher and other participants.

Shirley Jülich can be contacted on: Mobile Phone : 021 1137 400

Marilyn Waring can be contacted on: 443 9700

Participants are invited to make contact with the principal researcher at any time they need to.

WHAT IS THE STUDY ABOUT?

The aims of this research are to determine what the real needs of survivors of child sexual abuse are and the implications these findings have for social policy.

- a) The course of the research will be determined by the group of survivors and the needs they identify. It is anticipated that these might include:
 - i) Legal issues such as access to legal counsel, negotiating the criminal justice system, name suppression orders, sentencing trends, arguments of abuse of process and other legal technicalities.
 - ii) Statute Law, to what degree this protects the rights of survivors and how it could be changed to promote healing.
 - iii) Access to and availability of counselling, which is likely to include ACC, issues.

iv) Alternative frameworks for justice such as the Marae Justice Model or the Youth Justice Model. Can these models or others identified by the group be adapted for this area?

b) The focus of research will be a collaborative group decision.

The research process will enable the researcher to identify an alternative structure within which survivors can seek justice. This information could influence justice policy in the future.

WHAT WILL THE PARTICIPANTS HAVE TO DO?

Individual interviews will be held with those participants who feel more comfortable in this environment to share their experience of addressing this injustice. Nobody will be asked to do anything they do not feel comfortable with. The project is intended to be enjoyable and a part of each participant's healing process.

HOW MUCH TIME WILL BE INVOLVED

The time, duration and place for individual interviews will be determined by each participant being interviewed. The participant will control the interview and will not be expected to answer any questions they do not want to. The participant will determine if a recording device is used and all transcripts will be returned to the participant for editing and the removal of any sensitive material before their approval is requested for using this information in the research project.

WHAT CAN THE PARTICIPANTS EXPECT FROM THE RESEARCHER?

Participants will be kept fully informed about the progress of the research and will participate in decisions regarding all facets of the research process. The researcher will be available to provide practical or emotional support as a result of issues arising from the research. The researcher will give sufficient notice to participants if any plans are changed. Any changes to the research process will be discussed and agreed upon by the group. The researcher will be available to discuss any aspect of the research process with all participants.

IF YOU TAKE PART IN THE RESEARCH PROJECT YOU HAVE THE RIGHT TO:

- Refuse to answer any particular question and to withdraw from the study up until the analysis has been completed.
- Ask any questions about the project throughout its duration.
- Provide information on the understanding that it is completely confidential. All information used will be done so that individual participants remain anonymous and it will not be possible to identify you in any reports written on the project.
- Be given access to a summary of findings from the study when it is concluded.

Consent Form

PROVISIONAL PROJECT TITLE:

What is it that adult survivors of child sexual abuse really want to see happen as they attempt to address this injustice through existing societal systems.

I have read the information sheet for this study and have had the details of the research project explained to me. My questions about the project have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I also understand that I am free to withdraw from the study at any time up until the analysis of information is complete, or to decline to answer any particular questions in the study. I agree to provide information to the researchers on the understanding that it is completely confidential.

I consent / do not consent to have interviews tape recorded.

I consent / do not consent to have my taped interviews transcribed by a typist who has signed a confidentiality contract.

I wish to participate in this study under the conditions set out on the information sheet.

Signed: _____

Name: _____

Date: _____

Permission Form

PROVISIONAL PROJECT TITLE:

What is it that adult survivors of child sexual abuse really want to see happen as attempt to address this injustice through existing societal systems.

I have read the attached transcript. I have edited this material and have removed any information that I do not wish to disclose.

This information is approved by me for use in the above named research project on the understanding that it is used in such a manner that I cannot be identified.

Signed: _____
Name: _____
Date: _____

Confidentiality Agreement

DEED dated the _____ day of _____

PARTIES

Shirley Jean Jülich (hereinafter referred to as “Shirley”)

Name (hereinafter referred to as “Name”)

INTRODUCTION

- A. Shirley has commissioned “Name” to provide the services (as defined in this deed) to Shirley.
- B. Each party may be required to disclose to the other certain confidential information in order for “Name” to provide the Services to Shirley.
- C. Both parties wish to regulate the confidential information passing between Shirley and “Name”.

COVENANTS

1. Interpretation

1.1 In this deed, unless the context otherwise requires:

“Confidential Information” means any or all information of a confidential nature directly or indirectly concerning, or related to, the affairs or business of a party which may be supplied or disclosed to the other party or of which the other party may become aware of as a result of its dealings with that party but excludes information which is demonstrably:

- (a) independently developed by “Name” or Shirley without the benefit or use of the Confidential Information;
- (b) in the public domain other than through a breach of confidence by the recipient;
- (c) obtained from a third party on a non-confidential basis and without any breach of any obligation of confidence owed to Shirley; or
- (d) approved in writing by the recipient for disclosure.

“**Person**” includes a natural person, individual, firm, company, corporation, association or other entity, whether incorporated or not and whether or not having a separate legal personality, and includes their respective successors, assigns, executors and administrators.

“Services” means those services described in the schedule which are approved by “Name” to Shirley at Shirley’s request and includes all material, concepts, and get-up created or arising from or as a result of the Services.

- 1.2 In the interpretation of this deed, unless the context otherwise requires:
 - (a) words importing on gender shall include all genders; and
 - (b) the singular shall include the plural and vice versa.
- 1.3 Headings used in this deed are inserted for ease of reference only and shall not affect the meaning or interpretation of this deed.
2. **Confidentiality**
 - 2.1 Each party shall maintain as strictly confidential at all times and shall not, at any time, except as expressly provided in this deed, directly or indirectly:
 - (a) disclose or permit to be disclosed to any Person;
 - (b) use or permit to be used, except in connection with the Services; or
 - (c) use to detriment of the other party; any Confidential Information.
 - 2.2 Neither party shall disclose any or all of the Confidential Information to any person except:
 - (a) to the degree that such disclosure is strictly necessary for that party to fulfil the Services; or
 - (b) with the prior written consent of the other party.
 - 2.3 Each party shall take all necessary steps to:
 - (a) protect and prevent any unauthorised disclosure of the Confidential Information;
 - (b) cause compliance with the provisions of this deed by any person to whom the Confidential Information is disclosed.
3. **Disclosure Required by Law**
 - 3.1 If either party is legally required to disclose any Confidential Information, that party shall immediately notify the other of such requirement and shall fully co-operate with all legal actions taken by that other party to avoid or limit such disclosure.
 - 3.2 If that other party cannot avoid such disclosure, the disclosing party shall:
 - (a) only disclose such portions of the Confidential Information as is legally required; and

- (b) use its best endeavours to obtain assurances that such Confidential Information will be treated as confidential by any Person to whom it is disclosed.

4. Return of Records

4.1 Immediately upon:

- (a) the cessation or termination of its relationship with Shirley; or
- (b) demand from Shirley,

“Name” shall return to Shirley, or as directed by Shirley, all Confidential Information in any form which it is, or has been, in the possession or control of “Name”. If requested by Shirley, “Name” shall certify that the Confidential Information so returned comprises all the Confidential Information which is or has been in “Name’s” possession or control.

6. Notification

- 6.2 Each party shall immediately notify the other party of any breach of any of the provisions of this deed (including, but not limited to, any unauthorised disclosure of Confidential Information), as soon as that party becomes aware of any such breach.

7. Survival

- 7.1 This deed shall remain in full force and effect and shall continue to bind the parties notwithstanding the cessation or termination of the relationship between Shirley and “Name”.

8 Non-Assignment

- 8.1 “Name” shall not assign or otherwise transfer her rights and obligations under this deed without the prior written consent of Shirley.

EXECUTION AS A DEED

Signed by "Name"

Signed by Shirley Jean Julich

Witnessed by:

(Signature of Witness)

(Occupation)

(Address)

CONFIDENTIALITY UNDERTAKING

TO: Shirley Jean Jülich (hereinafter referred to as “Shirley”)

FROM: “Name” (hereinafter referred to as “Name”)

1. “Name” acknowledges that she has read the Deed of Confidentiality between Shirley and “Name”
dated 1995.
2. “Name” agrees that she has or will receive Confidential Information (as defined in the Deed) and that it will be bound by the terms of the Deed as if she were a party to the Deed. “Name” agrees that Shirley has the same remedies against “Name” for any breach by “Name” of any term of the Deed as it would if it was Shirley that had breached the Deed.
3. “Name” further acknowledges and agrees that:
 - (a) She has received the Confidential Information in strict confidence and in good faith and shall not at any time without the prior consent of Shirley either directly or indirectly disclose the Confidential Information or any part thereof to any person.
 - (b) She shall not use the Confidential Information in any way which is in furtherance of competition with Shirley detrimental or which is otherwise directly or indirectly to the interests of Shirley; and
 - (c) It shall not assert any rights of any nature in respect of the Confidential Information or any part thereof.

SIGNED by the “Name”
in the presence of

(Signature of witness)

(Occupation)

(Address)

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