

Redressing Institutional Abuse of Children. By Kathleen Daly. Basingstoke: Palgrave Macmillan, 2014. Pp. 304. £65.00 hardcover.

Is it possible to redress historical institutional child abuse? This has been a pressing practical question for the past two decades in a number of established democracies. It remains a pivotal question for care-leaver advocates and for governments planning to introduce justice mechanisms for victims of institutional child abuse. In addition, it is a fundamental question for an emerging international and interdisciplinary field of knowledge within historical justice and memory, seeking to historicize and critically scrutinize the politics of redress aimed at victims of historical institutional child abuse.

The question is seriously and thoroughly examined in the very first book to set out a comparative approach to a number of different redress cases involving institutional child abuse, written by Kathleen Daly, Professor of Criminology and Criminal Justice at Griffith University, Australia. This book, a “must-read” for anyone interested in the field, and has the potential to emerge as a standard work as it clarifies and defines central concepts (historical institutional child abuse, redress), challenges the theoretical framework of restorative and transitional justice, and most importantly, offers a matrix of queries for comparative research.

The book is divided into two parts. First, Daly identifies and describes the problem: how the “discovery” of physical child abuse in the 1960s and sexual child abuse in the 1970s enabled police and other officials in the 1980s to “discover” historical institutional child abuse, resulting in ripple effects when survivors from one institution came forward to tell their stories. From a plethora of care-leavers’ memories of institutional life published in autobiographies, inquiry reports and TV documentaries, Daly establishes that themes of isolation and separation, control and fear, and degradation and neglect recur no matter where care-leavers lived. In the second part of the book, Daly investigates responses to these “discoveries” in 19 cases of historical institutional child abuse, which have resulted in one or more of the following redress measures: public inquiry, major civil litigation and redress schemes. Among many interesting results, Daly notes that it has taken government and church authorities an average of 37 years to respond to the awareness of institutional abuse (104). This means that children were not silent whilst in care; some called for help and accused their carers or inmates of being abusive, but were not believed until they came forward as adult survivors in a time and context in which historical institutional abuse had come to be seen as a social problem.

Daly compares and gives a detailed account of 11 Canadian and 8 Australian cases. The corpus is limited to the first two countries to set up inquiries and introduce redress schemes, although official apologies and other kinds of redress measures have eventually been established in at least 19 countries (17 of which are acknowledged by Daly (5), but Austria and Switzerland could also be included). Still, a massive number of care-leavers/survivors are affected by the Canadian and Australian cases Daly discusses; 123,000 claimants have had their cases validated and resolved by the redress schemes and class-action settlements investigated in this book, the majority relating to the Indian Residential Schools Settlement Agreement in Canada (Appendix 3B).

The basis for comparison is not exclusively international. Daly also distinguishes between core cases, in which the sole basis for response has been “a failure of authorities to protect and care for children” (25), core-plus cases, in which “policy or practice wrongs were committed against certain groups of children” (25) such as when children deemed mentally deficient have been subjected to eugenic policies, and core-plus-two cases in which “the policy wrong committed against children was part of a more general discrimination against a group of people” (36) such as

when children of minorities have been subjected to racist policies. In effect, Daly compares different kinds of justice mechanisms that have been implemented within the same country. In Canada there have been several major class-action settlements (e.g., the Indian Residential School Settlement Agreement), negotiated agreements with government or church organizations (e.g., St John's and St Joseph's), redress schemes (e.g., Nova Scotia Institutions), and some of these responses were accompanied by a public inquiry. By contrast, the responses in Australia have been concentrated around state- or nation-wide public inquiries, which in some cases have resulted in redress schemes, but no class-action settlements or negotiated agreements have succeeded.

This calls for a more comprehensive understanding of the national (or state) legal systems within which these responses operate. What responses are possible in a certain legal context? The national political climate is another factor to consider, since revelations of historical institutional child abuse have the potential to challenge the national self-identity of established democracies. In effect, responses are subject not only to victim group advocacy, individual allegations, and pressure from significant civil litigation or media stories, but also to the political struggle over the national history narrative. The Australian "history wars" constitute one telling example of this.

However, national legal and political contexts are not the focus of this book. Instead, Daly introduces the concept of victims' justice interests in order to compare different types of justice mechanisms in different contexts of victimization. This is built around five elements identified as "important to victims' sense of justice" (117): participation, voice, validation, vindication and offender accountability. Daly finds that, with regard to participation, victim advocacy groups have been influential in negotiating and designing redress schemes in Canada but not Australia (119, 123). However, the element of voice – whereby survivors are given the opportunity to tell their story and have it publically recognized and acknowledged – is satisfied to a greater extent in the public inquiries of Australia than by the justice mechanisms operating in Canada (184).

Whether there is any optimal process for redress depends on what the process aims to achieve. Daly is right to conclude that advocacy groups and government (or church) officials often have disparate goals when implementing financial redress, and that money takes on different meanings during the process. Government (or church) officials may see the money as a symbolic acknowledgement of injury and a solace for pain, but the assessment process that seeks to determine who is eligible for payment can imply to survivors that the money received (or not received) corresponds to the severity of abuse they experienced, and in effect to their value as a person (179, 195). This is precisely what is happening in the Swedish financial redress process, in which 51 per cent of the applicants have been rejected despite the intention that the flat payment (€26,500) should serve as a symbolic acknowledgement of the suffering the survivor encountered whilst in an abusive care setting (<http://www.ersattningsnamnden.se/aktuellt.html>). Daly's book is a well-informed starting point for future comparisons in order to understand how different types of justice mechanisms work.

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