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Time to be Heard

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Abstract

This article problematises the Scottish Government's response to historical abuse in residential child care. This is a sensitive subject, eliciting powerful emotional and moralising impulses that act to inhibit expressions of dissent. In this article we *do* introduce dissenting perspectives. We provide a brief background to the emergence of historical abuse as a public issue and outline the Scottish Government's response to this, through its commissioning of two reports, a *Systemic Review (SR)* of Historical Abuse and, more especially, the *Time To Be Heard (TTBH)* Pilot. We develop a critique of *TTBH,* highlighting what we see as its major epistemological and conceptual flaws. These, we argue, contribute to the construction of a particularly negative discourse around care homes and schools, with damaging consequences for those who live and work in residential child care today. We conclude by identifying wider implications in respect of the evidential basis for policy formulation in a context where ideology and emotion crowds out social scientific inquiry.

(162 words)

Time to be heard: Interrogating the Scottish Government's response to historical child abuse

'We have no doubt that a national confidential forum designed to acknowledge those who were abused in residential care as children is worthwhile and is needed urgently for all who were cared for in residential schools and children's homes in Scotland in the past' (Shaw in *Time To Be Heard*, 2011: 8).

'One can now state with conviction that, up until the end of the 20th century, there had been no organised abuse or even very much individual abuse in children's homes' (La Fontaine in Department of Health, 2005).

This article is about the historical abuse of children in care. The juxtaposition of the above two quotes highlights that this is contested territory, where strong, often visceral, emotions can be brought to bear. The prospect of children being abused in state care is indeed serious and justifies a rigorous political response; ensuring suitable action to combat abuse in care has acquired powerful symbolic significance in political culture across the English speaking world. Problematising the issue might seem to threaten to the identity and the integrity of those perceived or self-identifying as victims of such abuse. This is not our intention. We accept that abuse happened in residential care, as in any setting where adults and children come into contact. Instead, we aim in this article is to question what we see as a developing consensus around the extent and nature of such abuse. Specifically, we examine the epistemological foundations of received understandings, the climate that has allowed and indeed

encouraged these to emerge and take root and the implications of their unchallenged acceptance.

We begin by locating the emergence of historical abuse as a public issue in its wider international and Scottish context. We then focus on the Scottish Government's response to the problem and in particular on the recent report, *Time To Be Heard* (*TTBH*) (Shaw, 2011), a pilot forum set up to hear the views of those who had spent time in one particular residential establishment. We employ a range of social scientific perspectives to problematise the Government's strategy. Finally, we suggest that the way in which discourses are constructed around this subject may cast some light on how law and policy come to be formulated in contemporary Scotland.

Residential child care in Scotland

Scotland has a distinct history of residential child care (Seed, 1974). Unlike England where institutional care, in 'hospital' or workhouse settings, was commonplace from the 18th century onwards, the preferred Scottish response to children, whether orphaned or otherwise unable to be looked after at home, was to 'board out' children with 'respectable' families (Abrams, 1998; Cree and Myers, 2008). The latter half of the 19th century did, however, see the emergence of large children's villages such as Aberlour and Quarriers Homes, while a multitude of philanthropic providers established children's homes and industrial or reform schools (later brought together under the title 'Approved school'). The 1946 Clyde Report and the parallel Curtis Report in England, reflecting unease about large-scale institutional provision upon children's emotional development, advocated smaller homes based around a 'family' model. These reports led to the passage of the 1948, Children Act, which established

local authority Children's Departments, with responsibility for children's care, including residential care. The 1968 Social Work (Scotland) Act subsumed these responsibilities within the new social work profession. Large orphanages and schools continued to operate, however, until the 1970s, from which point the use of residential care has been in steady decline. The Children (Scotland) Act, 1995, through its preference for family rather than institutional care further contributed to this trend.

Residential child care's relationship with social work has been persistently ambivalent. Different strands of social work thinking questioned the need for it, as a sociological critique converged with a strongly expressed preference for the family as the placement of choice for all children and a corresponding drive to place children with foster carers (Smith, 2009). These two discourses cast residential child care as, at best, a necessary evil with pronounced undertones of the 'total institution' (Goffman, 1964). Such ideological ambivalence contributed to the decline in its use and was compounded by the cost-cutting neo-liberal regimes that have dominated UK politics since 1979 (Ferguson and Woodward, 2009). The result of this combination of circumstances is a situation where, despite policy rhetoric and initiatives that suggest it ought to be a regarded as positive choice for some children and young people (Skinner, 1993, NRCCI, 2009), residential child care, increasingly, has become an option of last resort (Courtney and Iwaniec, 2009).

The emergence of child abuse and the growth of child protection

The present day focus on historical abuse in residential care settings can perhaps only be understood against wider trends in social work and child protection. Following the 1968 Act, the new social work profession assumed a, primarily, welfare role with

children and families. Following several child deaths over the early 1980s, this focus shifted to one of child protection (Parton, 1985). Since then a narrow focus on child protection rather than child welfare has become social work's predominant concern.

Over the course of the 1980s and 1990s, following similar trends in the US, England became engulfed in a series of child sexual abuse scares, the most public of these relating to Satanic Ritual Abuse (SRA). An emergent 'field of experts grew and diversified: a new professional corps of social workers and police, claiming unique abilities to discern the nature and pervasiveness of evil conspiracies or cults' (Frankfurter, 2006: 56). Doctors, too, entered the fray, 'discovering' new frontiers of evil among families in Cleveland, accused of anally raping their children. The panic spread to Scotland, most publicly to Orkney, where the local minister was accused of being at the centre of a satanic abuse ring (Clapton 1993).

The SRA controversy subsided almost as quickly as it had arisen, following an authoritative report commissioned by the UK government from Jean La Fontaine, an LSE Professor of Social Anthropology (Department of Health 1994). La Fontaine revealed the lack of evidence for any of the allegations of satanic abuse and criticised the role of social workers and other professionals in the emergence of such scares. Tellingly, she noted that although satanic fantasies had all but disappeared from social work, stories told by adult 'survivors' of abuse, usually elicited by therapists, remained current. Corby, *et al* (2001) suggest that disquiet over the way in which child protection panics in community and family settings in cases such as Cleveland and Orkney were managed had the effect of redirecting efforts to find abuse away from the family and on to residential child care, an area which, partly due to wider

professional ambivalence, was vulnerable to such scrutiny. The same dynamics, fuelled by the same ideologies that were apparent in SRA scares, can be discerned in current discourses of historical abuse.

Abuse in care homes

Few contemporary reports of abuse in care settings exist from the 1940s to the 1990s. Indeed, the vast majority of inspections conducted by external bodies on homes and schools indicated a well-functioning system (Corby et al, 2001). Since the 1990s, however, a spate of accounts of abuse has emerged reported in inquiries, government reports, academic books and journals and biographical 'victim' stories (Smith, 2010). Most recently, in 2008, events (since, largely, discredited) unfolding around the former children's home, Haut De La Garenne, in Jersey, returned the subject graphically to public consciousness.

A consequence of the upsurge in accounts of abuse in the 1990s was that across England and Wales, as many as 8000 care workers were caught up in police operations to investigate alleged historical child abuse in residential care settings (Webster, 2005), prompting both criminal and civil investigations. The resultant reports and inquiries reinforced one another 'to create a powerful version of social reality' (Prior, 2004: 74). *Lost in Care* (2000), a UK Government Tribunal of Inquiry to consider claims of abuse in residential homes in North Wales, established under the chairmanship of Sir Ronald Waterhouse, set the terms on which the discourse around historical abuse has been conducted ever since. Waterhouse concluded that, while there was no evidence to support more sensational claims of paedophile rings preying upon children in care, there was, nevertheless, widespread physical and sexual abuse

of children in residential homes and schools across North Wales. A largely ignored counter-narrative (Webster, 2005), however, challenges many of Waterhouse's conclusions, providing compelling evidence to dispute the scale of the abuse averred and casting serious doubt upon the soundness of several prosecutions and convictions. Webster questions the process through which accounts of abuse were solicited and, especially, the practice of 'trawling', whereby the police make unsolicited approaches to former residents from particular institutions to gather, and arguably generate, accounts of abuse. The difficulties inherent in 'trawling' were acknowledged in evidence to a Home Affairs Committee report from 2002, which described it as: 'an absolutely unregulated process ... almost tailor-made to generate false allegations' (Parliament UK, 2002). The Committee also expressed concern about wrongful convictions. The Government, unusually and controversially, rejected all of the Committee's recommendations (House of Commons, 2003). It did, however, seek to place some safeguards around the practice of 'trawling' and the means through which the police gather evidence more generally and since then large scale 'trawls' have greatly reduced in England. The technique, however, was central to the subsequent Kerelaw Investigation in Scotland, discussed below.

The issue of historical abuse took longer to emerge in Scotland than in England and Wales. Kent (1997), in his Children's Safeguards Review, identified only seven cases where residential carers had been prosecuted for abusing children over the course of the 1990s. Around the turn of the decade, following allegations first made in the *News of the World*, a police inquiry was undertaken into alleged abuse at homes run by the Sisters of Nazareth. One of the nuns was later convicted in 2000 on four counts of cruel and unnatural treatment of children in her care in homes in Aberdeen during the

period 1965-80. She was admonished. Another religious order, the De La Salle Brothers, was implicated in child abuse in the Approved and List 'D' schools they ran.[1] One of the Brothers and two lay staff who had worked at St Ninian's School in Stirlingshire were convicted of child abuse. Over the past decade, six employees of Quarriers homes have been convicted of abusing children in their care (Shaw, 2011).

Events in Scotland can be directly linked to those elsewhere (e.g Kaufman, 2002 in Nova Scotia, Canada; Ryan, 2009 in Ireland). In Ireland, a Residential Institutions Redress Board was established in 2002 to make financial awards to those who had been abused in institutions run or inspected by the state. The standard of proof required for the award of financial redress was set below the normal civil standard of 'the balance of probabilities'. Almost 15,000 individuals made claims of the Redress Board, receiving average payouts of 76,500 euro (Webster, 2005b).

Developments in Ireland in 2002 prompted demands, presented in petitions to the Scottish Parliament, for a similar body in Scotland. The demands were, initially, resisted by the Scottish Executive. Then, in 2004, Kerelaw, the largest secure and open residential school in Scotland, became engulfed in allegations of historical abuse. Two men were convicted and jailed for physically and sexually abusing children there, although claims made by Glasgow City Council of more widespread and systemic abuse were largely dismissed both in the Frizell Report (2009) and in the Employment

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[1] Following the 1968, Social Work (Scotland) Act approved were renamed List 'D' Schools, for no other reason than their position on a list of Scottish Education Department educational resources.

Tribunals that followed. Kerelaw prompted Scotland's then First Minister, Jack McConnell, to make an apology to all victims of institutional abuse. In addition to his apology, McConnell commissioned a *Systemic Review (SR)* of residential child care covering the period 1950 to 1995. Tom Shaw, a former Chief Inspector of Education and Training in Northern Ireland, was appointed as the 'Independent Expert' to lead the review.

It is worth considering the actual evidence to support such a policy response. A Spice Briefing for the Scottish Parliament noted that there had been little research on the extent of abuse of children in residential care in the UK (Smith, 2004). The evidence that does exist suggests that abuse was no more prevalent in residential care than in other settings where adults interact with children, such as schools, foster care or youth clubs (Gallagher, 2000). Current Scottish policies on historical abuse can be traced to McConnell's apology to victims of abuse following two petitions to the Scottish Parliament. Significantly, one of these petitions contained only one signatory, the other, four (Scottish Parliament 2002, 2005). In a similar vein, the children's advocacy group Who Cares? (Scotland) had to close down a helpline established to advise victims of historical abuse after it received only one telephone call in a three-month period (Scottish Executive 2005).

The introduction to the *SR* tells us: 'This is a systemic review; 'it's about systems – the systems of laws, rules and regulations (the regulatory framework) that governed residential schools and children's homes' (Shaw, 2007: 9). But the review was also clearly predicated on the assumption that abuse had been a feature of residential child care, as the remit states:

'Against the background of the abuse suffered by children up to the age of 16 in residential schools and children's homes in Scotland over the period 1950 to 1995 the Independent Expert is instructed to carry out an investigation and […] to present a report for consideration and for publication by Scottish Ministers […]' (Shaw, 2007: 10).

Much of the *SR* is uncontentious. It identifies and makes observations with regard to matters such as the legal and regulatory framework, systems of monitoring and inspection and record keeping for the period covered by the review. Helpfully, it attempts to locate such policies and practices within the social policy context and within changing societal attitudes to children (Elsey, 2007) and a Literature Review (Sen et al, 2007). But despite its aim to 'focus on systems not on individuals' (Shaw, 2007: 9), the *SR* changes course and Chapter Six is devoted to the narratives of former residents of care homes. This is explained in terms of claiming 'to show how the law worked in the experiences of some former residents' accounts and specifically of what they would like to see done' (2007: 133).

The *SR* adds little to what is known about the prevalence of abuse in residential child care. It interviewed 35 individuals, not all of whom claimed to have been abused, who between them had lived in residential child care over a 45 year period. It does not, nor does it claim to, offer evidence of abuse as a systemic problem. Despite the lack of hard evidence, however, the headline in *The Herald*, following its publication gives an indication of how such information becomes amplified within the public domain, and in this way, assumes a moral force (Macintyre, 1984). It speaks of 'Scotland's shame: decades of neglect, abuse and suffering' noting that 'An independent report

for the Scottish Government has given an official voice to the men and women who, as children, were sexually, physically and emotionally tortured over nearly half a century.'

Time To Be Heard (TTBH)

Following the *SR*, demands grew among survivor groups for a forum to listen to and offer redress to those abused in care. Some of this discussion was located within wider discourses around South African Truth and Reconciliation initiatives (Scottish Government, 2008), although the term 'reconciliation' was later dropped, in favour of the phrase 'Acknowledgement and Accountability', demonstrating not only the idea that acknowledgement was important, but also that some*one* or some*thing* needed to be held to account.

In late 2009, The Scottish Government announced the establishment of a pilot to test out the desirability of providing a confidential forum to acknowledge the experiences of those who were abused in residential care. Tom Shaw was again invited to chair it, assisted by Kathleen Marshall, Scotland's former Commissioner for Children and Young People, and Anne Carpenter, a consultant forensic clinical psychologist. The *TTBH* strategy was (and is) coordinated and operates under the auspices of SurvivorScotland, a body funded by the Scottish Government. According to its website, it 'aims to raise awareness of childhood sexual abuse (CSA) and its long-term consequences, improve services and enhance the health and wellbeing of survivors'.[2] The charity Quarriers was identified as the locus of the pilot on the basis

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[2] http://www.survivorscotland.org.uk/

of the convictions of staff who had worked there and with the agreement of the charity's managers.[3]

Part 1 of *TTBH* states that its purpose was: 'to test the appropriateness and effectiveness of a confidential forum in giving former residents of residential schools and children's homes the opportunity to recount their experiences in care, especially abusive experiences, to an independent and non-judgemental panel' (Shaw 2011: 5). It continues: '*TTBH* was designed to serve both as a means of acknowledging their past and a context in which they could find some release from their suffering' (ib.id.). Building on the earlier experience of the *SR*, *TTBH* set out to invite people to come forward to tell their stories. Advertisements were placed on the SurvivorScotland website, in two national newspapers and in *the Big Issue*, and additionally, Tom Shaw wrote to 500 former residents of Quarriers, asking people to come forward to express their views. What are described as 'hearings' then took place in central Glasgow, and others contributed through written submissions or tele-conferencing. In total, 114 people applied and 98 were 'heard' (others withdrew because of illness or a change of mind and one person died). The participants ranged in age from 83 to 38 years of age;

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[3] Quarriers was a self-contained children's village in Bridge of Weir, an exemplar of the scale of Victorian philanthropic enterprise, where children were cared for in cottage homes by housemothers and housefathers with a school and hospital on site. In its heyday in the 1930s it housed over 1200 children at any one time, those numbers gradually reducing until its eventual closure as a residential facility in the late 1980s.

47 were men and 51 women. Some had spent most of their childhoods at Quarriers; others were there for shorter periods (18 had spent 'five years or less').

The main body of the *TTBH* report (pages 13 to 71) is entitled 'Remembering Life at Quarriers'. This is organised into five sections. The first is more general in content, presenting 76 excerpts of hearing data organised chronologically, beginning with 'what was said about the 1930s/40s', up to the 1980s. Some excerpts are lengthy and discursive, amounting to more than 200 words, others are short and contain as few as seven words. It is not specified at any time who is talking, either by giving the respondent a number, name, gender or age. The second section contains what are called 'five individual accounts', again using the same presentation of fragments of data. The experience of 69 people who reported physical assault is then extracted and grouped into decades and presented as before in a third section. The fourth section sets down what are titled 'testimonies' of 40 people who described experiences of sexual abuse. A much smaller section finally presents accounts of leaving care and support after leaving care.

The result of this approach is that the reader is confronted with a series of disembodied, de-contextualised and often, internally conflicted shards of lives. Some respondents testify in glowing terms to childhoods characterised by plentiful provision, love and fun. Others claim that abuse was all around them and must have been evident to others living and working there. It is difficult to reconcile these extreme views; Shaw does not attempt to do so. On the basis of the respondents thanking commissioners for their time, the report concludes that 'The experience of *TTBH* has shown clearly the benefits of a confidential forum. …. We are confident of

the value of such hearings and the therapeutic benefits they provide for participants. We believe that a national confidential forum would offer significant opportunity to improve the health and wellbeing of those who have been abused as children in care.' (2011: 104).

Problematising *TTBH*

We believe that *TTBH* must be interrogated on a number of fronts, which we consider in turn, before going on to identify some of the implications of uncritical acceptance of the report's findings and conclusions.

Emotivism and Moralism

We have already suggested that the *SR* set the tone of what was to follow in *TTBH*. What is immediately apparent in *TTBH* is its employment of rhetorical devices to elicit an emotional response. The front page of the report states in bold: 'The greatest thing you can give a survivor is acknowledgement, not sympathy but acknowledgement'. Readers are then cautioned in the introductory paragraph that 'The comments in this part of the report are at times harrowing and could cause distress to some readers' (Shaw, 2011: 13). Although the findings which follow are often presented without comment or analysis, emotion and outrage are never far from the surface, and break through in accounts of 'calculated cruelty' (2011: 46), 'forced feeding' (2011: 48) and 'brutal treatment' (2011: 51).

In his critique of the prominence given in the social sciences to narratives of suffering, Atkinson identifies how the treatment given to such accounts is 'clearly coloured by the fact that the … authors are in favour of a sympathetic affiliation with the story-

tellers and invite an identification with their victimhood on the part of the reader'
(2009: 2.12). While some sympathy might be entirely appropriate, he argues, it should
'not substitute for social science' (2009: 2.12). To be fair to Shaw, he does not
describe *TTBH* as academic research. "(R)ather, it is representative of what people
told us; it is a collection of their words and feelings" (P.13). But the problem, of
course, is that collections of words and feelings assume the power of 'evidence',
especially when those words and feelings are about protecting children. The very idea
of protecting children seems to appeal to a deep-seated human need to reclaim and
safeguard a state of childhood innocence (Gittins, 1998). It is also linked to an equally
primitive tendency to perceive them as being prey to 'evil' threats (Frankfurter, 2006).
The insinuation of such perceived threats into the body politic and the strong
deterrence of those who might question their nature or scale, create the conditions
through which irrational beliefs and actions might take hold.

'The past is a foreign country: they do things differently there'

The opening lines of L.P. Hartley's novel caution against attempting to understand the
past from a position in the present. Despite offering a 'Cooks Tour' through the
decades, *TTBH* exhibits none of the historical imagination necessary to make sense of
that past. According to the report, '(d)efining abuse was straightforward in that we
adopted the definitions set out in the report of the Historic Abuse Systemic Review'
(2011: 85). The categories are those established by the Scottish Office (1998) and
include, physical injury, physical neglect, emotional abuse, sexual abuse and non-
organic failure to thrive. (In practice, *TTBH* adds a few categories of its own,
specifically those of not feeling loved and not being adequately prepared for leaving
care.)

Defining abuse should never be considered 'straightforward'; it is intensely problematic. Hacking identifies child abuse as 'a diffuse motley' of categories of act. '(A) great many unrelated kinds of harms to children are lumped under one unreflective but powerful emblem: 'abuse', which, he claims 'serves mindlessly to identify the evil enemy in our midst' (1991: 285). Pinning down what abuse might be is rendered still more problematic in historical context. Hacking, argues that 'no-one had any glimmering, in 1960, of what was going to count as child abuse in 1990' (1991: 257). Acts that might nowadays be considered abuse 'were not even counted as especially bad three decades ago' (1991: 257). To illustrate this point, a UK government report on *Issues of Control in Residential Child Care* proposed that a 'quick clout tends to be the immediate reaction to provocative misconduct' (Millham *et al*. 1981: 39) and that staff should not feel guilty about this as it could be understood as an expression of care. In the absence of such historical understanding, former care workers risk being judged against a class of act, child abuse, which, for most of the period covered by *TTBH* did not exist as a concept.

While a charge of denial can be levelled at those questioning abuse, an element of denial over how children were brought up in Scotland is apparent in both *SR* and *TTBH*. Approaches to care and control in care settings, for the most part, mirrored societal mores. Recourse to physical violence was endorsed across a wide spectrum of society (Abrams 1998). The use of the tawse was only banned in schools in 1983, having been banned in residential schools four years earlier. So, when *TTBH* notes that 'Physical punishment was also used in the [Quarriers] school, although no-one described it as any harsher than what went on in other schools' (2011: 38), then that is

likely to be the case. Residential child care probably did little more or less than reflect societal views of how to discipline children. In fact many respondents to *TTBH* acknowledge that their experience in Quarriers was far better than they might have expected had they not been admitted. An alternative reading of the document might conclude that it was remarkable, given Scotland's approach to children, that almost a third of those who took part in the forum reported no physical abuse.

Irrespective of what might or might be thought to not constitute abuse, *TTBH* lacks any sense of historical progress. The fact that we no longer sanction the physical beating of children might be thought to constitute a refining of our sense of values and provide evidence of a gradual civilising process (Hacking, 1991). *TTBH* does not provide a historical account, however. What it offers might better be understood as heritage, 'Heritage', Lowenthal argues, 'should not be confused with history. History seeks to convince by truth … Heritage exaggerates and omits, candidly admits and frankly forgets, and thrives on ignorance and error' (1998: 7). *TTBH* omits and forgets, distances us from our past, and seeks, instead, to locate those aspects of the past which we might rather forget with external demons whom we might blame for what were, in truth, commonplace child rearing practices, which each of us who have grown up in Scotland can probably recognise and, indeed, identify bits of ourselves in. Instead of facing up to this, we construct ways to separate our 'self' from the monstrous other, the child abuser (Frankfurter, 2006). We are thus presented in *TTBH* with what Priban (2003), (in his review of Lethe's Law, the seminal volume on questions of justice, law and ethics in reconciliation (Christodoulidis and Veitch, 2001)) identifies as a 'politically correct' version of the past that does not necessarily bear much resemblance to historical reality.

A questionable therapeutic discourse

TTBH is premised upon a particular understanding of the effects of abuse and how best to respond to it, exemplified in the following statement: 'Through recounting their abuse, the participants can have a cathartic experience, the therapeutic benefits of which can include improved health and wellbeing' (Shaw 2011: 73). Reactions of respondents are drawn upon to bolster this account: 'Some referred to having a sense of closure; others said that they felt able to go away in good heart, and that the burden they had carried for so long had been lightened, even lifted' (2011: 72).

This is a 'hurt' story, a discourse of healing wounds, of achieving psychological 'closure', through which acknowledgement is assumed to bring a chance to put the past aside and to move on. In fact, the assumption of 'closure' through disclosure is not strongly borne out by available evidence. Boyarin (1994) disputes any 'blanket commitment to the redemptive authority of history', arguing that, 'Merely to transfer the story from embodied symptoms to words is not necessarily either to interrogate it or to exorcise it. Development may be foreclosed when a particular version is granted complete authority …' (Boyarin, 1994: xix).

Furthermore, recounting and having those narratives consigned to print may make it 'hard to remember in any other way; transcribing fixes that account as our only memory and condemns us […] to formulaic repetition' (Lowenthal, 1998: 18). Plummer (2001) makes a similar point when he suggests that stories, once told, can become 'freeze dried', thus sticking individuals in 'victim mode' and inhibiting any release or catharsis that might be hoped for. Colton et al (2002) describe how the

process of having their pasts resurrected and taken through an investigative process

does not necessarily bring relief or catharsis to those who claim to have been abused

in care but can have an opposite effect. Some 'believed that they had been used or

further victimized by police and social services, and had been left to cope with serious

psychiatric problems and shattered relationships which, in their view, directly resulted

from their participation in the investigation' (2002: 545).

While *TTBH* was not established or conducted as a formal investigation it is,

nevertheless, premised upon a therapeutic rationale. We cannot be confident, as Shaw

claims, that recounting abuse will necessarily provide therapeutic benefits or lead to

improved health and wellbeing. It needs to be considered that it might also bring with

it a range of unintended and unhelpful consequences for those encouraged to do so,

especially in personal and social contexts where symptoms of distress are unlikely to

be reducible to experiences in care. The actual consequences for individuals certainly

cannot be gauged in the immediate aftermath of their telling their stories but may only

emerge in the longer term.

Recent feminist research also disputes assumptions made by discourses of therapeutic

healing. Woodiwiss (2009), in discussing the experiences of women who claimed to

have suffered sexual abuse as children suggests that, irrespective of whether the

events they describe (and in several cases subsequently retracted), happened or didn't,

the fact that they 'were drawn to stories of sexual abuse and recovery says more about

the world in which we live and the pervasiveness of therapy culture, the hurt story and

the healing discourse than it does about either 'recovered memories' or child sexual

abuse' (2009: 226). By this analysis, a therapeutic process that encourages the

disclosure of abuse might actually create the cultural conditions for its construction. Hacking (1992) suggests that the symptoms of child abuse can, indeed, be iatrogenic, induced by the helping professionals involved in such cases. In this way, a forum such as *TTBH* might be seen to create its own 'victims'. They become victims, however, 'as much if not more so of the limiting and inadequate stories' (Woodiwiss, 2009: 226) currently conferred upon them within a therapeutic discourse as from any actual past abuse.

This brings us to another layer of critique. The intentions of *TTBH*, despite its rhetoric, were not merely therapeutic. It 'also offered advice and guidance on the action (a respondent) could take if they wished to report a criminal case against an individual who had abused them or the institution in which they were cared for' (p. 5). A procurator fiscal is seconded to the *TTBH* team to take forward prosecutions. The impulse to prosecute is premised, again, on the assumption that a victim is helped achieve a sense of closure by the punishment of their abuser. Presumably, for every story of abuse told to the *TTBH* team, an abuser was identified. Yet, those so identified are accorded no right of reply within this process. The terms 'victim' or 'survivor' are not neutral in such a climate. Rather, the exploitation and ownership of victimhood is central to current narratives about crime (Butler and Drakeford 2008). Its exploitation is not therapeutic, but might be argued to be illiberal and oppressive. Conflating the therapeutic with the evidential allows child protection ideologies 'to penetrate where orthodox policing can no longer go' (Wrennel, 2011).

Stories and memories

Stories and narrativization, according to Taylor, 'give intelligibility and coherence to the jumbled disorder of everyday experience' (2006: 193). Polkinghorne, (1987) regards stories and narratives as virtually synonymous and it is this approach we adopt here. Narrative approaches to inquiry have become popular across the social sciences and especially, perhaps, in social work-related fields, where they can be postulated to empower otherwise-submerged voices. It is, then, understandable, that we may wish to listen to the voices of those who claim to have been abused in care. Riessman and Quinney (2005), in their review of narrative research in social work, however, found few examples of what they considered to be 'good enough' use of the method. White (1997) asserts that a fundamental flaw in many such studies is that they are rooted in a naive realist epistemological paradigm, whereby reported accounts are assumed to accurately mirror the way things were. Riessman and Quinney caution that situations in which 'a story seems to speak for itself, not requiring interpretation - (is) an indefensible position for serious scholarship' (2005: 393).

TTBH constructs a picture based almost entirely upon the stories people told of their experiences in care. The report states that it aimed to: 'hear such accounts in an atmosphere of supportive non-judgemental acceptance. Former residents were not questioned in intense detail about the nature or extent of their abuse but were supported to say as much as or as little as they wished. Our intention was to hear their accounts and not interrogate or question in any way other than to obtain clarification where necessary' (2011: 83). The explanation given for this approach is that disclosures of abuse are often 'met with scepticism and doubt' (ib.id.). But in failing to subject oral accounts to even the most basic of interrogation or interpretation,

TTBH leaves itself open to some easy criticism that might be used to undermine its claims. One story told to commissioners describes a house mother, 'famous throughout the village for her use of a wooden spoon to beat children. The spoons kept on breaking. She ordered them in batches from the store but they knew how she used them and refused to supply them' (2011: 38). It is, of course, conceivable that some house parents might have used a wooden spoon to punish children, especially in the 1930s when this account was located. It is perhaps less believable that the wooden spoons broke with the regularity claimed.

Another story recounts a rhyme allegedly told by a resident about a 'particularly brutal house father':

'XX is a holy man

He goes to church on Sunday.

He prays to God to give him strength

To batter kids on Monday' (2011: 50).

Many Scots will recognise this as a skipping rhyme that generations of school children have recited in relation to schoolteachers, real or apocryphal. Rather than offer a window into the experiences of adults brought up in care settings that seeks to weigh up competing views and to augment these with a wider range of sources and perspectives, we believe that *TTBH* actually contributes to a muddying of the waters on this issue. On the basis of the quality of interview data, there is simply no way of knowing the extent or nature of the abuse experienced. Judge Kaufman's conclusions in his report on historical abuse in Nova Scotia could equally apply to the *TTBH* process. He described the State response there as: 'seriously flawed…. (leaving) a

public confused and unenlightened about the extent to which young people were or were not abused while in the care of the Province' (2002: 65).

Another issue here, that is, that it is always difficult to be sure about claims of abuse because of the discursive formation of stories. People make claims and tell stories for all sorts of reasons. Sikes and Piper (2006) in their studies on false allegations made against teachers suggest that 'genuine misunderstandings occur (not only on the part of young people) and displaced cries for help will sometimes be made. On occasion though, pupils can exact revenge, gain a sense of power and importance, or simply create some excitement' (Sikes and Piper, 2006). All of these reasons might apply to those making allegations of historical abuse and may be compounded by historical distance or by the lure of financial compensation. The possibility that compensation might motivate some respondents to claim to have been abused or the very mention of compensation is entirely missing from *TTBH*, as if to do so might debase the subject. Yet it is a central feature in this whole discourse, involving an elaborate matrix of connections between victim groups, the police, newspapers and litigation lawyers (Webster, 2005). Shaw (2011) does note that *TTBH* 'took place in a context of divided opinion about its scope, focus and representation of survivors' (2011: 3). He understates this point. Politics within and between survivor groups are particularly messy with opinions sharply divided regarding, for instance, who is entitled to call themselves a survivor and, in particular, about any initiative that might be seen to restrict claims to financial compensation.

Dominant perspectives in this debate might accept that any process that holds out the prospect of financial compensation is likely to throw up a few rogue individuals motivated by its lure, but that this is a price worth paying to ensure that genuine

victims of abuse receive appropriate recognition and recompense. This view is not borne out by available evidence. Webster (2005) asserts that between 80 and 90% of those making claims of abuse in the North Wales case had not been abused as claimed. Kaufman (2002) discovered that significant numbers of those claiming to have been abused in care had not even been in care. Sikes and Piper (2010) show that the vast majority of allegations of abuse made against teachers are subsequently found to be false. They make the important point that the term 'false' does not necessarily imply malicious. False allegations may, indeed, be malicious but they may also be unfounded or unsubstantiated. This takes debate into the greyer areas of just what abuse might be and how interpretations come to be constructed, a discursive process that becomes even more problematic in historical context.

The question of compensation is a contested one. Colton et al (2002) say that in their small sample of former care residents subject to an investigatory process that compensation was not a major consideration in their decision to disclose abuse and that to suggest that it is might be tantamount to victim blaming. Beckett (2002) and Webster (2005), on the other hand, offer examples of compensation being an evident motivating factor in some cases. We do not propose that compensation is the only or even the predominant consideration in such cases; there are wider issues of recognition that also need to be taken into account. We, nevertheless, concur with Furedi's view that

'contemporary culture provides a powerful incentive to individuals to manipulate their memory and present themselves as traumatised victims. The assertion of trauma as a result of past suffering has become a way of winning public recognition and attention, and of making a claim on resources' (Furedi, 2008).

This takes us to the problematic nature of memory. Historical accounts of life in residential care inevitably rely on memory, a notoriously imprecise and malleable concept (British Psychological Society, 2008). Memory can only ever be partial or subjective, its representations of the past coloured by the experiences and views of the rememberer (Radstone, 2005).

A range of factors mediate memory to take it in particular directions. One of these is the complex dynamic that emerges when memory and therapy become intertwined. Radstone notes that:

'In the case of therapeutic self-knowledge, there has been much debate – prompted in part by the ongoing controversies surrounding cases of "recovered" or "false" memory – concerning the status of "remembered" experience. In the case of oral history, it is now widely accepted that personal accounts of the past do not necessarily offer direct access to that past' (2005: 135).

General misgivings about the role of memory as a mirror to the past are further complicated by 'memory politics', linked to an identity politics of trauma, victimhood and survival. Antze and Lambek (1996) suggest that politics of memory and its associated culture of victimhood lead to narratives of individual suffering and accusations of individual blame. Radstone cautions against any situation where articulations of memory are allowed to fall on the personal alone, 'rather than on the complex relations between memory and the wider social and public spheres within which it is given meaning, screened, recognized and misrecognized' (2005: 148). Crucially, Radstone argues that we need to pay attention not only to how such

memories are laid down […] but also to how they are mediated and articulated by the processes and institutions of witnessing themselves' (2005: 142). In this respect, fora such as *TTBH* become social institutions of recollection. Their role might be considered not merely to be providing a neutral and ostensibly therapeutic space for the recounting of, and claimed release from, such memories but an active constructor of those memories.

Discussion: *TTBH* and the construction of a myth of abuse

The epistemological and conceptual flaws in *TTBH* do not necessarily mean that its findings will not influence policy. As Radstone notes:

> 'Certain stories have a peculiar tendency to be believed, reshaped, and passed on because they appeal to strong feelings in the human psyche - they push our buttons. Such a story is said to take on a life of its own. In other words, certain stories have a high cultural fitness which is largely independent of the truth of their content. Our current social commentary is shaped by virtual emotions arising out of manufactured victimhood' (2005:142).

Certain stories (like those of historical child abuse) become implicated in the construction of national myths (Radstone, 2005). This is not, of course, to deny that there were instances of abuse that broach no ambiguity. Nor is it to claim that residential child care always provided a positive or beneficial experience to children taken into State care. But, Frankfurter (2006) argues that, as a wider social phenomenon, historical abuse is also mythical, less a crime than a state of mind, one based around an idea of evil (Frankfurter, 2006). The identification of historical abuse as evil, he claims, amounts to 'intellectual laziness, shutting off inquiry and the proper

search for context' (2006: 11-12). Young (2009), picking up on the process of deviancy amplification noted in earlier 'moral panics' (see Cohen, 1972) claims that responses to evil 'sometimes expressed in terms of demonization, sometimes with humanitarian undertones .... (are) grossly disproportionate to the event' (2009: 13). Frankfurter goes further. He cautions that 'the real atrocities of history seem to take place *not* in the perverse ceremonies of some evil cult but in the course of purging such cults from the world. Real evil happens when people speak of evil' (2006: 12).

We believe that there are likely to be two main consequences that stem from the infiltration of an abuse narrative into the body politic, both of them negative. The first relates to the real possibility that processes such as *TTBH* may set in train a witch-hunt that casts a veil of suspicion over all former residential child care workers. There are well-documented instances of false convictions (Beckett, 2002, Webster, 2005), while Piper and Sikes (2010b) identify the 'terrible, and even Kafkaesque, experiences' of those subject to child abuse accusations, irrespective of whether they were subsequently found to be without substance.

The cloud that hangs over residential child care's past is also likely to have a detrimental impact in the present, exacerbating the climate of fear that pervades much current practice. This is likely to have an understandably negative impact on the recruitment and retention (particularly of men) to child care, and negative consequences on children and young people in public care. More generally, *TTBH* feeds into the growing mistrust of adults in wider society (Piper and Sikes, 2010b). This drives increasingly proscriptive policies and guidelines, creating a 'new inhumanity of care and a new insanity for "the self"' (Piper and Stronach, 2008: 35).

The end result of this is that professionals adopt risk-averse practices including, for example, prohibitions on touch in child care, that are, Steckley argues, 'incongruent with their own knowledge bases and are contrary to the interests of children in their care' (2011: 4). The loss of confidence in residential child care and any hope of its rehabilitation as a positive choice for children cannot be divorced from the effects of child abuse inquiries and fora such as *TTBH*.

Conclusion

We began this article by drawing attention to the juxtaposition of two positions on historical abuse. Our discussion leads us to conclude that *TTBH* provides no insight into the nature and scale of the problem to be addressed and proposes responses that may be as likely to generate claims of abuse as to uncover and ameliorate them. Rather than casting light on this subject, *TTBH*, in fact, obfuscates it, making it virtually impossible to know who and how many of those brought up in care may or may not have been abused. The issue of historical abuse is a serious one that merits proper and rigorous attention. At a time when emphasis is (rightly) placed on evidence-based or evidence-informed policy, we believe that the level of epistemological and conceptual incoherence apparent in *TTBH* is indefensible, especially when it is explicitly commissioned to inform policy formulation.

All of this leaves the question of how best to respond to those who have been abused or believe themselves to have been abused in care. Our central epistemological point in this article has been to contest the referentiality of people's stories to any wider social reality. We suggest that there is a need to separate working with memory in

terms of its capacity to offer a mirror on the past (which it can rarely, reliably, do) from working with it in a respectful and helpful way. In that sense, we propose that policy and professional responses should be prepared to hear people's stories and treat them with respect and dignity, while at the same time locating them within historical, social and therapeutic contexts that are meaningful. It may also be useful to return to the idea of reconciliation, as was suggested in the early stages of the *TTBH* process. Whether the establishment of a formal forum is likely to aid or hinder reconciliation is, however, a moot point.

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