

TDI

Under The Surface

Notes on four discussions about sexual offending

**Tackling
sexual
offending
together**

Supported by

Millfield House
Foundation

by Deborah Jenkins MBE, January 2013

TDI is a small UK national charity , based in Newcastle upon Tyne, which since 1993 has specialised in partnership approaches to specific problems relating to sexual offending. In a highly complex and sensitive area on which virtually everybody has views, which is always political and usually topical, TDI has always sought to bridge the gap between professionals and lay people, and to find practical ways in which ordinary people can help to prevent or reduce sexual offending.

Over the years, TDI has carried out research, published reports, developed training programmes, generated discussions, resolved snags in various systems, delivered consultancy, set up and run projects, staged events, and brought new partners together.

Our aim is to reduce sexual offending through safer people, safer public spaces, protective communities, and better systems and thinking.

We earn some of our income through our popular public protection scheme, Leisurewatch, consultancy, and bespoke training for a wide variety of clients, including prisons, housing organisations, probation services, private sector retailers, transport providers, local authorities, and churches. However, we have been dependent on a small number of charitable trusts and foundations who have been stalwart in supporting our work over our twenty year history. We are particularly grateful to the following bodies:

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Millfield House Foundation
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The Northern Rock Foundation
The Tudor Trust

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Professor Hazel Kemshall

To learn more about TDI, go to: **www.tdi.org.uk**

Introduction

Throughout the twenty years of TDI's existence, we have found that a number of themes have come round repeatedly, generating great debate in the media and amongst the public, often when a particular case has brought a question to the fore. The sexualisation of children, the causes of offending, what should be done with people who have committed serious sex crimes, whether people should know when a registered sex offender is living on their street, are serious sex offenders ill, what makes a child become an abuser, how can the authorities be sure that somebody coming out of prison is not going to reoffend – all these issues are debated in homes, pubs, TV discussion programmes, radio phone-ins and newspapers. Sometimes public debate becomes so heated and so polarised that politicians feel obliged to try and do something. Sometimes the professionals who work with sex offenders are vehemently opposed to the steps that politicians take, and sometimes the gulf between professional and public opinion is too great to bridge.

The idea of Under the Surface was to take four of these perennial questions and to gather a small group of people with different backgrounds and experiences, professional and lay, for an evening's discussion to share views, to bridge gaps in understanding, and if possible to seek any practical steps, however small, which might be explored to make a difference. The discussions would be held in private, without media present, and in a spirit of openness. Any resulting sensible ideas would then be presented to relevant decision-makers. We would also look to turn good ideas into action.

We are very grateful to the Millfield House Foundation, which gave us a grant to run what we hope will be the first of several Under the Surface series. We would also like to thank the speakers and the participants who took part so whole-heartedly in all four events. We do not claim to have discovered anything revolutionary, but we do feel that a number of ideas have emerged from the events which should be tried out. We have always believed that small practical steps can engage ordinary people in making their communities safer and improve the effectiveness of the systems which manage sex offenders. We present these recommendations in the hope that at least some of them may help in small ways to reduce sexual offending.

Deborah Jenkins MBE

Chief Executive, The Derwent Initiative

Millfield House Foundation

Millfield House Foundation (MHF) was founded in 1976 with shares in Laws Stores Ltd, a Tyneside-based food retailing firm founded in Byker in 1907 by Arthur McClelland (1884-1966). The Foundation only had significant income after the firm was sold in 1985.

Most of MHF's grants between 1985 and 1996 were to relatively small local projects seeking to improve the conditions of the most deprived people in Tyne and Wear. In 1996 the Trustees decided to concentrate resources on objects which most other funding bodies can not or will not support. The current priority is to promote social change by funding projects that inform discussion and influence public policy and attitudes, with the aim of diminishing social deprivation and empowering communities.

MHF's Trustees seek to use the Foundation's resources to help build a better society, one more equal and less divided. The emphasis is on tackling the causes of poverty and other social ills rather than alleviating the symptoms, and on doing so where possible by empowering the most disadvantaged, in the first instance in the Foundation's own home conurbation and region.

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Recommendations

1. An Early Warning Score approach to identify children who might be abused or abusing, one that moves away from the subjective and benefits from the mass of expertise accumulated in the field of sexual offending which may never be part of the everyday knowledge of every school-teacher, nursery nurse, or GP.
2. Local Communities of Interest to support children who lack nurture and trust in their own families.
3. Training packages, not only for social workers, but for anybody in a position to be able to pick up signs of problems related to sexual behaviour in children such as teachers, community group leaders, and nursery staff.
4. National standards with KPIs for social workers to test observation skills and understanding of the importance of linking individual concerns.
5. More highly paid specialist fostering for particularly challenging children who have been sexually abused and/or are abusers, with a national standard of training, assessment, and support.
6. Training for all foster parents, to help them pick up warning signs and know when to seek further help.
7. A local peer support system for foster parents.
8. It would be helpful for professionals working with victims of sexual abuse explicitly to move the concept of forgiveness away from the perceived necessity to forgive the perpetrator and towards a concentration on moving through the acceptance of hurt and the rejection of victimhood.
9. A training module on stages of forgiveness could be useful to social workers and others who work with victims.
10. Groups such as faith communities who wish to accept offenders would benefit from explicit training in the nature of sexual offending, and perhaps from a session on why forgiveness is the prerogative of the victim alone.
11. Attempting to persuade perpetrators to acknowledge and regret their offences may be a waste of time. It is difficult to distinguish between genuine and assumed repentance, and in any case the objective of professionals and lay people must be to manage the risk posed by perpetrators rather than to seek their acknowledgement of guilt. Moral judgements are likely to cloud pragmatic assessments of risk.

12. Encourage professional to separate out the need to listen to victims and to hear what they need as individuals, from the automatic orthodoxy of their training.
13. Compile a collection of examples in which individual victims have felt able to move forwards as a result of careful listening which might not have occurred in a standard approach.
14. Produce a summary of 'the rules' on legal and illegal images to be helpful to non-specialist police, elected members of local authorities owning galleries, and members of the public who complain about images. This could be accompanied by an attempt at outlining the difference between offending and committing an offence!
15. Carry out research to find out whether any sexual offences have been perpetrated as a result of works of art displayed in public galleries. It would at least be a useful tool for reassuring the people who fear the worst.
16. Generate a wider public debate about what we want for our children, and encourage more people to think more carefully about the images they see.
17. Encourage slightly tougher and more explicit advice from parents and others to help children and young people to protect themselves in sexual situations.
18. Effective monitoring of what images a sex offender receives in prison is important for assessing risk of re-offending, and should always be incorporated into current training.
19. More detailed research into the potential for images to channel certain individuals away from physical offences.
20. Education packages on sex and the law for schools and organisations that work with young people and vulnerable adults?
21. Professionals should be clear where they are party to relationships which break the law, and should think clearly about where they stand in the actions they undertake.

Under the Surface 2012

First Event – Back Stories

Introduction

This first discussion in the first Under the Surface series was held at Seven Stories, the National Centre for Children's Literature, in Newcastle upon Tyne, on 17th November 2011. 14 people gathered in the story-telling room at the top of this converted warehouse, the speakers sitting in the story-telling chair, the group surrounded by the dressing up clothes, low beams, books and toys which make the room so appealing to its small day-time visitors.

We had chosen this apparently paradoxical venue because our first subject was about childhoods that go wrong. Specifically, childhoods that result in a person who creates harm through his or her sexual behaviour. For a number of years TDI has been concerned with what leads a child to become a sexual offender. Very often they have been abused themselves, but not all abused children become abusers. Very often abusers come from deprived backgrounds, but by no means always. We have a project underway in which we will explore the back stories of a number of serious sexual offenders who had begun their offending behaviour in childhood.

We want to look at what had been noticed, by whom, at what stage of the child's development. We want to see how the systems in place had picked up (or hadn't) the warning signs and how they had addressed (or not) the dangers both to the child at the centre and the people around them. Then we want to assess the human and economic cost of what happened and see what practical lessons may be drawn which could be of use not just to those who design and operate the official systems, but also to all those people less professionally engaged who might have an impact on a child's life chances.

Although this bigger project is at a very early stage, it seemed an excellent opportunity for us to focus the first event in our Under the Surface series around this subject. We felt that the format of an informal conversation with a mixture of lay and professional contributors from very varied backgrounds was likely to bring out a stimulating spectrum of opinion, reflection, experience and practical ideas. The group, though small, included social workers, church ministers, a prominent forensic psychiatrist, an insurance executive, a specialist in adolescent sex offenders, a senior neonatologist, and people who had experience of working for charitable trusts, hospitals, housing organisations, the media, the private sector, and community development. Between us, we encompassed personal experience of parenting, grandparenting, adoption, fostering and, it transpired, of being the victim of sexual abuse. We included Anglican, Catholic, Jewish, agnostic and atheist persuasions.

The Speakers

Dr Martin Ward Platt leads the Neonatal Unit at Newcastle's Royal Victoria Infirmary. Encompassing surgery, intensive and special care, the unit is a regional centre of excellence and has developed a reputation for family-centred care of premature and often very sick babies. Covering as it does an area which includes a high level of deprivation, and a correspondingly high number of premature births, the unit is very aware of its role in safeguarding the fragile lives in its care.

Martin spoke very movingly of his personal experience in identifying risk around the children in his care. For him it was usually fairly simple to identify the children most at risk from the behaviour of families that he saw on the unit. Inevitably, the nature of circumstances surrounding premature babies is stressful, the environment is abnormal, and parents are physically prevented from being close to their babies by the equipment and technology that is keeping them safe, but even allowing for this, he has learned to recognise the warning signs of poor attachment, of chaotic life-styles, and of inability to nurture.

He and his staff have limited opportunity to engage with families, sometimes only for days, sometimes weeks, occasionally months, and they are extremely conscious that their influence is virtually impossible to continue once the baby has been discharged. It is not unusual for his team to be engaged in the practicalities of a child being removed from its parents by social services – prematurity can be the result of substance abuse - and he encounters many of the most troubled families in the area. He has been much struck by the impact of what he described as 'malignant grannyosis', where a damaged older generation uses its influence to obstruct new parents at a time when they might be open to adopting more positive habits, and indeed their natural instincts lead them to a stronger bond than has been the norm in their family. Time and again, Martin has seen the impact of a negative family ethos spoil the chances of a new baby as it comes between the child and its mother.

As a senior medical educator, Martin is convinced of the need to train medical students to get better at identifying vulnerability. He pointed out that most students have not had the experience themselves of holding new-borns, and that it is only through the physical reality of fragility that one becomes truly sensitive to risk. In his work, one needs to be acutely observant, not only of the minute clinical signs which may indicate physical deterioration, but of the social and behavioural signs, often equally minute, which indicate a failure to bond, a failure to nurture, or the potential for more positive harm or abuse.

The tools which are available to his team to improve a baby's chances are relatively limited. They can act upon concerns to bring in other professionals, and at an extreme, can be party to a decision to remove the child from its parents. They can try their best to protect new parents from bad family influences while the baby is in their care, and to support them to become strong in making good choices for their baby's safety, but there is currently very little they can do to hand on more subtle observations and concerns to a different part of the system when the baby and its family leaves the care of the unit. There is no opportunity for continuity of nurture where the family, and more particularly the parents, are betraying the natural bond of trust due to a child. In conclusion, Martin reiterated that he found very little difficulty in identifying which babies in his care were most likely to lead damaged lives, but had virtually no influence over their chances once they had left his unit.

Pat Walsh, who has spent much of her career working with adolescent sex offenders in residential care, and is now studying with the Tavistock Institute on models of family therapy, took the group through the case of a particularly prolific sex offender who had begun to offend as a child. She told the story of a child who had been severely abused from a very early age by his family, both physically and sexually, and who had been known to the system in a variety of ways almost from birth. Despite a number of very strong warning signs, at each juncture which could have brought more targeted attention from a variety of professionals, opportunities were lost due predominantly to the nature of process. So for instance, his involvement in a number of sexually threatening situations was passed over because he was not seen as old enough to have played a significant role, and the consistency of his contribution was never noted.

The link between his repeated fire-setting and sexually abusive behaviour, though well-known, was never made in his case. By the time he was 16, he had been charged 340 times, but had only served one sentence. He went on to commit a number of more serious crimes, and is suspected of many others. His current status remains extremely problematic, with neither the health system nor the criminal justice system able fully to manage his case. The outcome is that the individual remains highly dangerous to society, with neither his status of victim nor that of abuser properly addressed.

Pat spoke about the degree to which existing systems can effectively ignore increasing dangerousness by treating each incident as isolated and by refusing to acknowledge pathological behaviour. The understandable desire of many professionals to treat children as victims misses opportunities to recognise offending behaviour, which in turn denies those children the chance to be treated effectively, whilst increasing their danger to those around them. In her view, the system had failed both this child and the community through a combination of misguided good intentions and inefficiencies of process, with dire consequences.

The Discussion

The ensuing discussion was wide-ranging, and drew on the personal and professional experience of all participants. Rather than report it verbatim, I have attempted to draw the reflections and spirit of the conversation into a number of discrete themes or strands, culminating in a small number of suggestions which policy-makers and system designers may wish to explore.

Early Warning Signs – the need for an actuarial approach

It was widely accepted that, in the experience of those present, most professionals and many lay people can identify early indicators of trouble in very young children and babies and the circumstances around them, and that many of the signs of actual or potential abuse are evident to an objective eye. Whilst there will always be exceptions, the accumulation of certain warning signs is more likely to happen in some sectors of society, and a squeamishness about being seen as judgmental is not helpful. Chaotic family circumstances, substance abuse, poor personal hygiene, problems with physical and mental health, lack of attachment, generational patterns, domestic violence, problems at school, lack of friendships, involvement in petty crime, repeated use of emergency services, all of these may be picked up by different elements of the system, from school teachers to A&E departments, but at present there is no organised approach as to how such factors can be assessed as a whole.

It was pointed out that conventional actuarial methodology is now being applied to very different areas of work. So, for instance, a GP's decision to recommend whether you should take statins or not is likely to be based on how you score on a number of factors – your current cholesterol level, your family history of stroke, your smoking or dietary habits, and so on. Currently, the border-line is 20 – if you score above 20 the recommendation is that you should take statins, below and you may not be seen as needing them. Many acute hospitals in the last couple of years have taken on something called an Early Warning Score, which, through regular assessment, identifies the early warning signs of a patient deteriorating. It is not that there have not always been many health professionals who have easily been able to identify when a patient is, perhaps slowly, perhaps suddenly, going downhill, but that this approach synthesises the expertise and experience of countless talented individuals and creates a system which makes it more likely that trouble is picked up early. There are many more examples, including check-lists for pilots and surgeons, and routines for the nuclear and oil industries.

Could it be that an Early Warning Score approach could be developed for identifying children who might be abused or abusing, one that moves away from the subjective and benefits from the mass of expertise accumulated in the field of sexual offending but may never be part of the everyday knowledge of every school-teacher, nursery nurse, or GP?

Who Can Be Trusted?

When parents and families let a child be abused, it is the ultimate betrayal by the natural providers to the child of trust and nurture. Who else can or could provide that trust and nurture when the betrayal has happened? An interesting line of discussion explored the question of whether a community as a whole could declare a will to do so. How could such a declaration of intent become practical? It was suggested that every child needs a matrix of continuity and consistency, but many do not get it from their families. How, without falling into a community version of Martin's 'grannyosis', could a wider community of lay people and professionals support families and children? Many of the roles traditionally played by neighbours and volunteers have become more problematic as concerns about the potential for abuse have mounted and there has been the creation of an industry of safeguarding. Where in the past a lonely or unsupported child might have found comfort and companionship with an older neighbour, that situation nowadays would be fraught with suspicion, and even the parents of school-mates must be looked at askance. The pseudo-professionalising of volunteering, with the introduction of Police criminal records checks and training, over-definition of roles, and fear of legal recriminations against anything that might go wrong, has created doubt amongst many of the people who in the past might have provided help, without greatly reducing the risk of mishap – after all, a Police check only proves that you haven't been caught.... Paradoxically, the new suspicion has made it less likely that a child who is being let down by their family will be able to turn for support to other adults around.

There was discussion about the 'Circles of Support and Accountability' model that surrounds individual adult offenders with trained volunteers and has proved relatively successful in preventing re-offending. In Newcastle, a version is being piloted by Barnardo's which surrounds the family of an offender in the same way. It was mooted that it might be possible to support a child who was beginning to display concerning sexual behaviour with a combination of professional and lay people in a similar way, providing new relationships with positive role models as well as addressing the management of risk. American mentoring schemes such as 'Big Brother Big Sister' were also mentioned.

More generally, there was a question as to whether the institutions which might traditionally have had a stronger pseudo-parental role in the community, such as schools, faith organisations, or youth groups, might deliberately reclaim some of the ground which had been relinquished by default to professional services. What would it mean for the local school or church, parents' group or community project, to take a clearer role in offering trust and nurture to less fortunate children in their community? How could a local framework of trustworthy people be created so that a troubled child would have somebody to go to if they needed help? And could those people be part of looking out for signs of trouble, without becoming spies in the community? One suggestion was to build on the success of SureStart by accruing people and organisations around it in each area, so that there was a clear and visible safe place for children to go where they would be assured of finding supportive people whenever they needed them.

Could we explore the notion of Local Communities of Interest to support children who lack nurture and trust in their own families?

Training

There was much debate about the nature and degree of training for practitioners working with some of the most challenging families, and in particular, with children at risk of being abused and becoming themselves abusers. Doctors have very little if any training on the subject, and teachers, religious leaders, and community workers are very unlikely to have any formal standardised training. It was pointed out that very often less experienced social workers who are working on the front line, in precisely those situations where experience and wisdom are most needed. It was suggested that in addition to the creation of an Early Warning Score tool, as mentioned above, it would be helpful to set KPIs to ensure that professionals in touch with children should be reminded to develop and use observation skills and demonstrate a level of knowledge and competence in this area. There was considerable frustration in the group that so many signs which should be obvious continue in fact to be overlooked, and that there is a failure to link significant pieces of information which, if joined up, would often identify a child in trouble much earlier on their downwards trajectory. It was pointed out that it was only in the previous 18 months that indices used by social workers in relation to children asked about domestic violence, and it was felt that systems could and should be a great deal more sophisticated.

Could we explore the possibility of specific training packages, not only for social workers, but for anybody in a position to be able to pick up signs of problems related to sexual behaviour in children such as teachers, community group leaders, and nursery staff?

Can there be national standards with KPIs for social workers to test observation skills and understanding of the importance of linking individual concern?

Professionalising Specialist Fostering

An interesting discussion ensued about the potential for training foster and adoptive parents, who are often landed with extreme problems as a result of the abuse suffered or inflicted by the children they care for with very little professional guidance or help. In addition to some relatively formal training, it would also be extremely helpful to create some form of support network for parents specifically addressing problems around sexuality and abuse. It was also mooted that it might be a good idea to professionalise the fostering of particularly challenging children, to pay more, and to expect a higher level of expertise and knowledge, where sexual abuse or abusing behaviour is evident. It was pointed out that it was highly unlikely that the cost of such professionalisation of specialist fostering would be anywhere near as expensive as the costs of a life-time of residential care and offending which are so often the results of failure to pick up problems early enough. Most of the professionals in the group shared the view that 'trouble is hard-wired' and that if problems are not addressed by the age of 5 it is too late.

Could we explore the possibility of developing the concept of more highly paid specialist fostering for particularly challenging children who have been sexually abused and/or are abusers, with a national standard of training, assessment, and support ?

Could a standard training package be developed for all foster parents, to help them pick up warning signs and know when to seek further help?

Could there be a localised system of support for foster parents?

Conclusion

On reflecting upon the evening's conversation amongst this group with such wide and varied experience of damaged children, including at least one person who felt that their whole life had been affected by sexual abuse in childhood, three observations come to mind.

Firstly, the notion of a shared and individual responsibility for noticing troubled children and being prepared to act on observation. This may mean making a conscious decision to improve knowledge and observation skills, and exploring how the role that one plays as an individual might contribute to providing nurture and trust, whether as a lay person or as a professional.

Secondly, the importance of improving, standardising, and monitoring the tools used by professionals in the field of abused and abusing children, to ensure that knowledge and best practice is applied even where individual professionals lack experience or particular skill, and the potential usefulness of such tools to a wider lay community.

Finally, the imperative of connection – the absolute need to layer, connect, and share pieces of information, signs, and clues to build up a picture of actual or potential harm to or by a child, moving as far as possible from the subjective to the objective, where subjective prejudice can all too often obscure facts that appear obvious only in hindsight.

The sexual abuse of and by children is a betrayal of trust which affects people for the whole of their lives. A great deal is known about signs and circumstances that can be much more widely shared than at present, but the challenge is to do so without fuelling exaggerated fears and prejudices. Perhaps we could look at the current commitment of huge resources of money and effort to the problem and its consequences, and consider what it would mean instead to put an equal investment into care of and attention to children when the very first signs are apparent.

Under the Surface 2012

Second Event - Forgiveness

Introduction

In choosing the topics for our first Under the Surface series of four events, we had settled on themes which have recurred throughout our 20 year history at TDI. One which has been a constant conundrum is the question of forgiveness or redemption. Can a victim of sexual abuse forgive their abuser, and if so, what does that mean in practice? When a faith leader knowingly accepts a sex offender into their congregation, is that a conscious act of forgiveness, and what are the consequences? Should the practical consequences of forgiveness be tempered by the knowledge that of all forms of offending, sexual offending is of the most compulsive and perhaps the least reduced by age and experience? We have regularly noted examples of offenders who have taken advantage of generously inclined communities to find new victims, and observed the difficulties experienced by those who wish to be forgiving in deciding how far and with whom to share what information they may have, and what practical constraints within their community may be put upon the offender they wish to welcome.

For this second event in the first Under the Surface series we chose St Nicholas's Cathedral in Newcastle as the venue. Again, a small but varied group gathered, a little different to that which attended the first session, but still covering a wide range of backgrounds and experience. At least half of those present had direct experience of trying to help a known offender reintegrate in some way into a specific community.

The Speakers

Canon Stephen Cherry, of Durham Cathedral, is the author of a number of books, including most recently 'Healing Agony – Re-imagining Forgiveness'. He began by saying that he had specifically avoided writing about forgiveness in relation to sexual offending in that book, in part because he had felt that it was such a particularly challenging and complex circumstance, but that in preparing for this evening he had reflected on what he had learned about forgiveness in relation to our subject and wished to lay out a number of thoughts which might assist him as well as the group to explore the consequences of different approaches to forgiveness.

The desire to be a forgiver is a curious syndrome, and is much more prevalent in the public eye than 25 years ago. It is seen as an act of heroism to be prepared to forgive, we put haloes on people who are seen to do so in the face of terrible crimes, and somehow wish forgiveness to be straightforward. Yet forgiveness is not a pancake manoeuvre, we cannot flip our feelings. For Stephen, a shift in the profile of forgiveness for the public came with Gordon Wilson's public declaration of forgiveness of the people who killed his daughter in the IRA Omagh bombings. The Queen referred to it, and there was widespread admiration for his act at a time when retribution might have been more natural. However, he himself has spoken since of the complexity of his feelings at the time, and that at least to some extent he had seen his declaration as a political one, precisely as a better alternative to retribution at an inflammatory stage of history, rather than as forgiveness in his heart. It is not uncommon that forgiveness stories cave in, that they create a fiction which is initially believed, but that turns out not to be true.

Creating a myth of easy forgiveness can be toxic if there is an implication that there is a simple pathway, that a victim can 'move on' if they can only jump the hurdle of forgiving the perpetrator. In reality, the process of forgiveness is a deep and complex one, involving ethical judgements, and it is not neatly completed. It may be relatively easy if there is a known and limited offence, if both parties are adults, of equal power, and not within the same family. Within the field we are discussing, however, it is unlikely that offences will fall into this category.

The situation in which the victim of a burglary might through restorative justice process extend forgiveness to the person who carried it out cannot be compared to the situation of a child abused within its family or to any other victim of sexual abuse.

If the offender is not seen as 'responsible', through lack of capacity or some other circumstance, then there can be no forgiveness, there can only be excuse, and it is interesting to consider whether there is any space between condoning and excusing.

Forgiveness is due when hurt rather than harm has been caused. To explain, Stephen outlined four categories of harm: - trivial; serious; unjust and emotionally disturbing, and 'shattering hurt', when the person becomes different as a result. This concept of shattering the person as they were so that they become a different person is important, because there is a common aspiration to repair, to become again what the person had been, but that is impossible, as the hurt has become an intrinsic part of the 'new' person. If a person is hurt in ways which erode their trust especially at a formative time in their life, forgiveness becomes almost impossible, but highly desirable.

It should be noted that forgiveness does not make vulnerable people safe. In fact it can make their vulnerability more extreme. True forgiveness involves something like:- 1) feeling, understanding, and accepting hurt. This cannot be based on denial, and means entering more deeply into the hurt, which can be worse than the initial reaction. 2) Distasteful empathy, trying to understand why the perpetrator did what they did. It can be extremely unwise to dwell on this, because the victim can begin to feel compelled to excuse or condone. 3) Freeing the perpetrator from somewhere within the victim's heart. This means giving away victim status, which can have had some value in itself. 4) Go forward, but in the understanding that there can be no perfect future. Although it sounds very bleak, it is important to give up the vision of a better past or hope of repair for the future, to accept that one is a different person and that the hurt is part of that person. The future will be different.

Finally, forgiveness is fluid, something that cannot be kept under control. Any day can bring more anger or grief. It has to be seen as a virtuous circle of which freedom and healing are part. It is messy and unpredictable as we are messy and unpredictable, and a victim can probably never say that forgiveness is neatly completed.

Jan Van Wagendonk has spent his career as a senior social worker specialising in the field of safeguarding. He is a director of the Social Work Chambers, a collaborative of highly experienced senior social workers, and has chaired three Safeguarding Boards.

Jan began by saying how much struck he had been by some of Stephen's points, which chimed very much with his own experience, in particular the dangerous difference between condoning or excusing and forgiving, the importance and relevance of power in cases of sexual abuse, the need for the victim to accept the hurt, the importance of letting go of victim status, and the extent to which a person who has been deeply hurt becomes a different person. He pointed out that nowadays it is common to talk about survivors of abuse rather than victims, which is probably a better reflection of the ongoing nature of the hurt.

There is a great politicising of sexual abuse which can be far from helpful. A story was much in his mind, of a case he had worked on some years before. A builder, married to a school-teacher, was a great pillar of the community. The couple was very family-orientated, involving their five children in many activities, taking their own floats in the carnival, going on great camping holidays, creating their own story tapes, and very much involved in a wide range of community activities and organisations. All the children except one had been repeatedly and seriously abused by the father from their early childhood. The oldest daughter, at 19, was very overweight, and 'locked in', the boy of 16 had major problems, the 15-year old tried desperately to protect her 13-year old sister, who was very jealous, and looked for opportunities for the father to abuse. Only the youngest, a child of 11, escaped. The father was convicted and served a long prison sentence.

The children were left with a mass of conflicting emotions, guilt, interdependency, and difficult relationships. The orthodoxy of contemporary approaches to abuse entered into the frame, seeing the whole of that family's life as centred around the abuse. The orthodox story could only be told by declaring that the only relationship between parents and children had been abuse, that the parents had never loved the children, and that they had only been grooming them for sex. In one step, the children had not only lost their father, their entire family history had also been turned into exclusively one of abuse.

There is danger in the constructs imposed by professionals. We construct a reality in which it is impossible for children to have the 'distasteful empathy' Stephen describes. We lock them into their victim status and isolate them so that they are defined by their victimhood. We make the mistake of assuming that because it may be therapeutically helpful to work with adults in certain ways, it is necessarily right to do the same with children. We need to be aware of what else is destroyed by viewing the past only through one lens.

Who forgives whom for what? Professionals cannot forgive the perpetrator, only the victim can, and you can't expect children to forgive without a huge and careful process. How do you begin to unravel these complex situations where several people are entwined and nothing is black and white? There are plenty of other stories of men who do commit sexual abuse as a primary aim, grooming for sex, but these are less complex than the family cases which inevitably carry more than the one angle of betrayal.

In the 1980s there were things that you weren't allowed to say, for instance around the issue of young sex offenders. It is still difficult to ask at what stage does a young victim become a perpetrator, and which comes first? The need to receive care and thought as a victim does not preclude the importance of addressing perpetrator behaviour, even if the child is young. How do you think about adolescents and their interaction and experience of sexuality? It is very hard to get one's head around the concept of a 10 year-old's accountability for rape.

Is how we think about young offenders defined by the media? Offences become unforgivable because the media defines all offenders indiscriminately as evil, whatever the nature of their offence. There is a real fear that it is difficult to be heard, or even to get a conversation on this topic, because the media want things to be black and white, and virtually nothing in this field is black and white. There is no interest in nuance or doubts, most public information cannot cope with a more complex conversation or debate, and yet the subject is extremely complex.

Is understanding the key to forgiveness? Or more pertinently, how do we get people to understand, to acknowledge, but not to condone or to excuse in a way that allows the community to support a person with the primary aim of keeping other people safe, and the secondary aim of keeping that person safe?

Discussion

As with the previous report, I have attempted to draw what was a wide-ranging discussion into a few strands, and to identify some suggestions for practical actions in each case.

Removing the burden of an expectation to forgive

More than one participant in the evening's discussion had worked with victims who had suffered greatly from feeling that they should forgive the perpetrator who had done them harm or hurt. This is especially prevalent amongst people who practise religions in which forgiveness is prized and admired. So not only does the victim suffer from the original hurt, they also feel that they are failing in their duty to forgive, and therefore are doubly burdened. The question was raised of how the victim can ever be set free if the perpetrator does not or cannot acknowledge their forgiveness? The particular example was given of a perpetrator who killed themselves – did that mean that his victim would be permanently entrapped?

There was a debate around the question of whether sexual abuse differs in nature from other forms of abuse because it tends to be carried on for longer, is highly manipulative, and is more physically invasive than other physical abuse. A question was raised as to what governed the 'depth of injury' of a sexual offence? Could it be measured by physical injury, or by the degree of abuse of trust? How can such measures be assessed in crimes such as rape? It was observed that injuries of a sexual nature frequently involve the shattering of an intimate relationship of trust.

There was a strong feeling that there should be no obligation or even expectation to forgive, and that the process of forgiveness is in any case not dependent upon a living relationship with the perpetrator. As Stephen had outlined, the journey is the victim's, not the perpetrator's. Several participants thought of Dryden's line 'Forgiveness to the injured doth belong, but they ne'er pardon who have done them wrong' and wondered whether that implied that it was impossible to forgive if there has been real hurt done. A pragmatic observation was that where forgiveness is warranted, the victim is always in a bad place, and is least in a position to give it. Most present felt that the simplification of the concept of forgiveness promoted by media stories about saintly victims is unhelpful and untruthful, and that in working with victims it would be important to encourage them to lay down any burden of expectation to forgive.

Would it be helpful for professionals working with victims of sexual abuse explicitly to move the concept of forgiveness away from the perceived necessity to forgive the perpetrator and towards a concentration on moving through the acceptance of hurt and the rejection of victimhood?

Would a specific training module on Stephen's stages of forgiveness be useful to social workers and others who work with victims?

The Perpetrator and Forgiveness

A number of participants work with sex offenders, and recognise the degree of manipulation which is extremely common amongst this type of abuser. It was noted that Ray Wyre identified the confessional mentality of sexual offenders, who long for forgiveness so that they can start again. There was wide-spread pragmatism about the degree to which offenders justify their behaviour, and agreement that it is very easy for professionals to be misled into believing repentance.

As in the first event of the series, the example of Circles of Support and Accountability was mentioned. It was explained that the circle gives the offender the opportunity not to feel permanently ashamed. The acceptance of the circle members is offered unconditionally, without condoning or excusing the offence. However, it is an intrinsic part of the approach that the offender can never make good what he has done, there is certainly not an implication that by taking part in the Circle, the offender is 'gaining forgiveness'. The point was made that the real purpose of the Circles model was to prevent re-offending, and that although the nature of service provided by the volunteers who make up the circle might be described as noble, because of the difficulties in working with some of the offenders (known as 'core members'), the intention was fundamentally practical rather than a moral attempt to enact some form of community forgiveness.

An interesting debate ensued about the distinction between guilt and shame. As one participant put it: 'Forgiveness is framed in a context of guilt, but the world of shame is inhabited more holistically.' Another member of the group questioned where 'sorry' fits? Does repentance make any difference? There was an agreement that 'sorry' cannot repair betrayal in cases of shattering hurt. A view expressed which chimed with many present was that many treatment programmes simply create sex offenders with insight, rather than leading to any change in behaviour.

There was a strong feeling that groups which wanted to welcome known sex offenders should be clear-eyed about the nature of much sexual offending behaviour and the strength of manipulation that offenders are capable of; that they should separate out the desire to protect society from the desire to redeem an offender; and that they should be clear that it is not theirs to forgive on behalf of a victim.

Groups such as faith communities who wish to accept offenders would benefit from explicit training in the nature of sexual offending, and perhaps from a session on why forgiveness is the prerogative of the victim alone.

Attempting to persuade perpetrators to acknowledge and regret their offences may be a waste of time. It is difficult to distinguish between genuine and assumed repentance, and in any case the objective of professionals and lay people must be to manage the risk posed by perpetrators rather than to seek their acknowledgement of guilt. Moral judgements are likely to cloud pragmatic assessments of risk.

Listening to the Individual v Accepting the Social Framework

Two strands of discussion which appear at first to be completely separate are in fact strongly linked. On the one hand there was a debate about the degree to which the designation of a sexual act as abuse is defined by the social and judicial framing of what is acceptable to a given society. On the other hand there was discussion of how easy it is for professional orthodoxy to make assumptions about the effect of a particular act on an individual rather than listening to what the victim says about the impact they are experiencing and how they want to address it.

As one participant put it: 'I worry about drawing a line and saying that sex offenders are on one side of it and the rest of us on the other. Surely we are all on a continuum of human experience, and the line of acceptability is the product of history and society'. It was pointed out that different European countries have different ages of consent, making the same act of consensual intercourse between teenagers a crime in some countries and not in others. There is huge variation across the world and in recent history of what is seen as socially unacceptable or criminal. It was accepted that courts are there to implement judicial process which is a result of societal decisions about frameworks imposed on behaviour, not to be swayed by emotion. The system can convict or acquit, it cannot forgive.

As a result of these societal decisions, what happens to a person physically is heavily overlaid with a burden of emotion and judgement. A person may become a victim not so much because of what has been done to them, but because of the associated fears and prejudices. A child badly hurt in a traffic accident does not become seen as a life-long victim in the way that a child might be who is much less hurt in an act of sexual abuse. Without in any way diminishing the seriousness of what has occurred, it is important to reflect on how to avoid increasing the burden of victimhood by the way in which the original event is handled by both lay people and professionals.

Several participants shared experiences of working with victims whose real stories had been ignored because they did not fit the expected experience. One example was of a person who had been abused over a long period by a priest, and had been treated as a victim for many years by the professionals working with him. The one thing which actually made a difference to him was when the local church agreed at his request to take the word 'priest' off the abuser's gravestone. There were several other examples of victims who did not want to demonise a parent who had abused them, whilst at the same time not exonerating them.

How can professionals best be encouraged to separate out the need to listen to victims and to hear what they need as individuals, from the automatic orthodoxy of their training? Would it be helpful to compile a collection of examples in which individual victims have felt able to move forwards as a result of careful listening which might not have occurred in a standard approach?

Conclusion

In concluding the evening's conversations, and in reflecting on them in hindsight, there are perhaps two particular themes which emerged as ones to pursue, whether in a similar forum or elsewhere. Firstly, the importance of shame in relation to both victims and perpetrators of sexual abuse, and how little it is taken account of in working with either. Sexual behaviour of all sorts in our culture is tied up with shame in ways that are not true in all cultures, and we are not very good at being aware of what it does to people and how we might untangle its effects when trying to help victims or offenders.

Secondly, a recurrent theme throughout the evening was the complexity of the subject of sexual offending and the lack of opportunities to address it. Very few cases, either of victims or of abusers, are simple. The vast majority are layered with betrayal, guilt, shame, social expectations, feelings about the need to request or bestow forgiveness, and the destruction of relationships. How can the nuances implicit in such a collection be addressed by simple training or procedures? It is certainly unlikely that such complexity will ever adequately be addressed in the public arena.

It is to be wondered whether a forum might in some way be created specifically to explore this complexity, to share experiences of working with victims and offenders, and to draw out and develop practical applications which could be used in training, supporting, and managing professionals, and in assisting lay organisations which wish to be helpful in working with victims or in finding positive ways in which to protect communities for abusive behaviour.

Perhaps a good place to end this paper is with a quote from one participant at the end of the evening: "What will we make of this conversation in 50 years? Is there a sort of social convention in which these things will always be looked at, or are we heading towards a more wholesome future? Is sexual behaviour in our culture a proxy for something much bigger? "

It may be that the only way to get better at preventing and healing harm in this field is to take the time to explore complexity.

Under the Surface 2012

Third Event - Images of Children

Introduction

This event was held at the Baltic Centre for Contemporary Arts in Gateshead on 19th April 2012. Once again, a small but varied group met, this time with a slightly different selection of backgrounds reflecting the nature of the subject. Images of children have always been much debated in relation to sexual offending, and throughout TDI's 20 years, we have experienced waves of concern about photographing children, about the images created by certain types of children's clothing, about the sad case of the murdered American child beauty pageant queen, the use of children in some advertising, and the portrayal of images of children in art. It was to address specifically this last subject that we had chosen our two speakers and our venue for this event, although we expected the discussion to be as wide-ranging as had been the case with the first two conversations.

There are many paradoxes in the way we treat images of children. The same doting father who dresses his little girl in tiny jeans with 'sexy' emblazoned in diamante across her bottom and applauds her re-enactment of a sexy pop song is appalled by stories of paedophiles, calling for their castration or the death sentence. Websites aping teenage relationships abound for children as young as five which are easily frequented by paedophiles looking to groom potential victims. Schools and leisure centres are so paranoid about the risks of photographs being used for evil purposes that it is quite common for parents to be prevented from photographing their own children in the school nativity play or at the swimming pool. Many fashion models are made to appear to be pre-pubertal children modelling sophisticated and sexually challenging couture, but nudity, even of very young children, is still seen as 'not very nice' in parks and on beaches in a way which amazes natives of many other European countries. More than ten years ago, professional photographers began to get seriously worried that they would be prevented from taking photographs in many public places because they would be castigated for capturing the images of children in streets, parks, landscapes or fairgrounds. Recent generations have long re-interpreted the photographs of Alice Liddell by Charles Dodgson, changing their label from Alice in Wonderland to Dodgy.

One area of sensitivity and sensation in our time has been the depiction of children in art. The works of the Chapman brothers are an extreme example, but there have been many contemporary works of art and exhibitions which have caused outrage of a sort that, even with historical perspective, never seems to attend the slightly insalubrious Victorian depictions of naked children so common to a period in which the sexual exploitation of very young girls was much more widely accepted than it is now. What has happened to our thoughts about the image of children? And what are we afraid of when we get outraged?

The Speakers

Godfrey Worsdale is Chief Executive of the Baltic Centre for Contemporary Art, Europe's biggest permanent contemporary art exhibition space, and has spent his career in curating and directing galleries and exhibitions for a wide variety of private and public sector owners.

Godfrey began by describing some of his experiences as a curator involving controversy over particular images. He said that in most cases within his personal experience, complaints had come not from anybody who had seen the exhibition, but as a result of reported information which was usually wrong. Thus he would be visited by statutory authorities or the police, who were inevitably without all the facts.

He pointed out that the director of a public exhibition space is clearly obliged to obey the law. The only reason for removing an image from an exhibition would be if it broke the law. He prefers to consult the police first if he has any doubts about a particular exhibit, but otherwise tries not to be swayed by complaints either from members of the public or, as sometimes happens in galleries controlled by local authorities, by elected members. He explained that he tries to look at things from the artist's point of view. Artists are not there to conform or to abide by societal rules and norms. If a work of art does not break the law - and the law is usually clear - then the criteria for displaying should be nothing to do with whether it would offend people.

In his experience, members of the public are rarely put off by 'controversial' images. People who go to galleries, especially ones showing contemporary art, are self-selecting, and are unlikely to be greatly offended by what they see. He did have one complaint from a member of the public about the proximity of challenging images to ones which would appeal to children, but as he pointed out, the former would mean nothing to children, and in fact children ignored them on the way to the ones they were interested in. He always found that when he talked to people who were complaining, they said that they were not shocked or offended themselves, but they were afraid that others would be. He also found that people were concerned about images in a gallery that were much less shocking than ones which might be found outside.

He gave the example of a woman accompanied by her young grandson who had come to see a Tracy Emin show. She complained that one of the works exhibited included a common four-letter word, and said that this was not suitable for children to see. Godfrey pointed out to the woman that she and her grand-son had come through an underpass on the way to the gallery which had in very large and unavoidably visible letters a number of four-letter words much more offensive than the one on the Emin exhibit, but presumably she had not covered the child's eyes or thought that he would be permanently damaged by this. He was also aware that the child was of an age at which it was extremely likely that he and his friends were regularly using such words - though not, probably, in front of his grandmother. In effect, she saw the gallery as a special place which should have special rules, different to the outside world. Once again, she said that she herself was not shocked by the Emin, it was her grandson whom she was trying to protect.

Godfrey said that he had encountered this same concept of the gallery as a special place, with a particular role to provide 'good' art for members of the community, when talking to elected members of local authorities, who were concerned that the art shown in a publically owned gallery should not shock or offend anyone. Once again, the offence was never experienced by the elected member, the concern was always on behalf of others.

In conclusion, Godfrey reiterated his view that a director or curator only had two responsibilities: to create the best possible artistic offering to the public, and to stay within the confines of the law.

Su Jones is Co-Founder and Chief Executive of AN (Artists' Network), the largest publication for professional artists in the UK. An artist herself, she has worked with and for artists for most of her career, and has been a publisher for thirty years.

Su began by reinforcing Godfrey's point that artists are different to non-artists. We are interested in them because they see the world in a different way to the rest of us. They take new angles on the everyday and show them as they think about them. In her experience, artists are highly sensitive to issues that are much in the public eye, and she is not at all surprised that there have been many works of art that are reflecting society's concerns about sexuality, about children, and about abuse. Artists will create works that approach those subjects in ways that may be controversial, counter-cultural, shocking, or offensive, but that is what artists do because they are interpreting the world around them in ways that will make the rest of us think differently. There is a huge difference between giving offence and committing an offence. Like Godfrey, Su was emphatic that her role as publisher was to abide by the law. She could not and would not publish anything illegal, and was perfectly prepared to tell an artist that their work could not be shown in public. On the other hand, it did not bother her at all if readers of her publications were offended or shocked by what they saw. She did not set out to shock, but to publish good art.

Probably the area around which she had the most discussion with colleagues about whether to publish or not was related to photographs of young girls and children. A number of artists have taken photographs of children, sometimes their own, at the liminal stage of dawning pubescence. There is that fine line between a child being definitely a child and a child on the verge of becoming an adult, which is a valid artistic subject. It is the thoughts of the viewer that define the meaning of the image, and it is not possible to make a judgement on behalf of another viewer as to what they would think. There are clear guidelines as to what would constitute an illegal image, and the decision of Su and her colleagues was that the images were not illegal, that they were good art, and therefore they would publish them.

As with visitors to a gallery, Su pointed out that the readers of her publications were self-selecting, mostly artists themselves, and they would be highly unlikely to be shocked or offended by what they saw. As for people seeking sexual thrills, there were easier places to find pornographic images than in a publication for artists.

In conclusion, Su explained that she saw the role of the publisher as the conduit between the viewer and the artist. She too saw two responsibilities, to make good artistic judgements as to what to conduct, and to publish only what was legal.

The Discussion

Defining Illegal

There was some debate as to whether what was legal or not in relation to images was as clear as the speakers had asserted. Why in a number of cases did the police remove certain works of art from exhibitions following public concern, only to return them days or weeks later? Did the police follow public outcry in the first instance rather than being clear themselves about what was legal? Curators and publishers had to know the rules very well, but perhaps others would benefit from being reminded.

It was also suggested that it would be interesting to try and summarise the difference between giving offence and committing an offence, to help members of staff sort out problems with members of the public or others who might take issue with the content of an exhibition.

Could 'the rules' on legal and illegal images be summarised and presented in such a way that it would be helpful for non-specialist police, for elected members of local authorities owning galleries, and for members of the public who complain? This could be accompanied by an attempt at outlining the difference between offending and committing an offence!

Who gets shocked, and what are they afraid of?

There was considerable discussion about the phenomenon of arms-length shock. It was pointed out that it was often after notoriety had been created about an exhibition that more people would be attracted to come and see what the fuss was about, and it was then that people would then be more likely to express shock or disgust. It was reiterated that contemporary art is quite self-selecting, and it was not usually easy to stumble upon a shocking exhibition rather than choose to see it.

Several participants queried whether in fact the portrayal of sexually shocking images in an artistic context would incite anybody to commit a sexual offence. What was it that the people who complained thought would happen? Were these people afraid of children or 'more vulnerable' people being in some way corrupted, and what would that mean? A psychiatrist felt that it was extremely unlikely that a sex offender would feel tempted to choose a gallery as a place from which to draw arousal. Far more explicit images could be found much more easily in other less public places, and few galleries are crowded enough not to make somebody behaving oddly pretty obvious. If somebody is going to get aroused in a public place, it is much more likely to be in a swimming pool than a contemporary art gallery. Even if somebody did get aroused by a particular image, it would be extremely unlikely that they would feel compelled to go off and commit an offence.

Disturbing images are usually disturbing because of the thoughts and associations they generate in the viewer. Most complex or challenging sexual images are outside the experience of most children, and are very unlikely to mean anything to them. In fact as Godfrey had pointed out, if children do come into contact with the sort of images that create notoriety amongst adults, they generally ignore them in favour of ones that chime in some way with their experience or imagination.

Nobody could think of any examples of actual harm caused by a work of art of a sexually challenging nature. The question was raised as to whether in fact the issue of complaint about such images was less about danger than about the convention of being offended.

Would it be worth doing a bit of research to find out whether any sexual offences have been perpetrated as a result of works of art displayed in public galleries? It would at least be a useful tool for reassuring the people who fear the worst!

More Pernicious Than Art

Discussion moved on to something that many participants felt was more disturbing than images seen in galleries. This was the ubiquity of images that imply sexual availability in very young children. There are so many in almost every aspect of daily life that it is easy to become inured, to stop thinking about their meaning. There is a danger in this becoming normal which several participants felt was much more likely to give rise to abuse. Sex offenders frequently attempt to explain their behaviour by claiming that their victim was consenting, even when that victim is a very young child. Although nothing that a child wears or the way they behave can ever justify acts of abuse, there is an odd blurring of lines when adults do not question the widespread presence of images that imply acceptance of questionable actions. Children have always imitated things that they don't understand, but it is only relatively recently that adults have condoned this imitation where it relates to sexuality. As one example, if you stand outside Newcastle Central Station early on a weekend evening watching extremely young girls embark on their night out dressed like something from a pornographic film, you can support the assertion that sex is in the eye of the beholder, but you can still wish that their parents had remonstrated with them a bit more.

In the US, for some time, and more recently in the UK, movements have started to try and influence clothing retailers to stop selling particularly sexualised clothes for children, and there is probably more general awareness than there was. There were many complaints from the public about a sex-show type routine in last year's celebrity dancing TV show, which was felt to be inappropriate for family viewing, but it is certain that across the nation hundreds of tiny tots will have delighted their parents by enacting it, without having a clue what the raunchy gyrations implied. Perhaps we cannot close Pandora's box, as Mary Whitehouse found in the 80s, although mothers who take their small daughters to pole dancing lessons might reflect on the implications of what they are doing. TDI did some work some years ago at the request of the police in a particular holiday town, training bouncers to look out for vulnerable young girls to try to ensure that they didn't become one of what was known as the 'summer camp rapes' which happened about once a week. Perhaps we don't do our children much of a service by colluding with the politically correct view that anybody can wear what they want and behave how they want, and any unfortunate consequences are entirely due to someone else's misguidedness. That may be true, but it doesn't make the consequences any more palatable. As responsible adults, it would still be better if we could protect children from unknowingly aping sexual availability that may all too readily elicit an unwanted response.

How could we encourage more people to think more carefully about the images they see, and generate a wider debate about what we want for our children?

Would a return to slightly tougher and more explicit advice from parents and others help children and young people to protect themselves in sexual situations?

When Images Arouse

An interesting conversation highlighted that some evidence may be showing that the availability of images on the internet actually correlates with a reduction in offending. Could it be that this enables a channelling away from physical offences? There then ensued a discussion on how those images were made: if they used real children then of course there were real offences, but if they had not, were they intrinsically bad? Some individuals may not be able to help being aroused by images which society sees as impermissible, but how important is that arousal if the person does not go on to commit a real offence? Protection is about stopping a crime being committed, not stopping a person having socially unacceptable thoughts.

It was noted that some of the most popular publications for sex offender in prison are such items as clothing catalogues with children's sections and fund-raising material for children's charities. Both contain images which certain offenders will find highly arousing, but neither could be said to be questionable under normal circumstances. For these people their arousal may be natural, but they have proven that they are prepared to take the step to physical offences. The relevance of arousal by images in these cases is in the assessment of risk of re-offending.

Effective monitoring of what images a sex offender receives in prison is important for assessing risk of re-offending, and is not always incorporated into current training.

It would be helpful to have more detailed research into the potential for images to channel certain individuals away from physical offences.

Conclusion

This particular mixture of participants, which included people who work with sex offenders as well as people who work in the arts, came pretty roundly to the conclusion that it is not images of children created by artists and displayed in galleries that are likely to lead to harm. Rather it is the unthinking acceptance of an increasingly blurred line between public images of adult sexuality and a childish imitation of it which may be more pernicious. This has implications for the protection of artists who should not end up being constrained by groundless fears that 'others' might be corrupted. It also has implications for the protection of children, which might in part be advanced by encouraging more adults to reflect on what they are doing when they use or condone certain sexualised images around their children.

Perhaps there are three strong messages emerging from the evening's debate. Firstly that it would be desirable to encourage mindfulness about the meaning of images. Perhaps debate with children as well as with parents and retailers would be interesting, and might lead to some changes in behaviour.

Secondly, that a greater explicitness about sexuality and its consequences might help children and young people better to protect themselves.

Thirdly, that more research into the correlation of images and physical offences might actually change the way we think about sexual imagery if it transpires that in many cases it diminishes the likelihood of offending amongst people who cannot help being aroused by the socially impermissible.

Under the Surface 2012

Fourth Event – Culpability

Introduction

For the final conversation of the first Under the Surface series we chose another topic which is never far from both public and specialist debate in relation to sexual offending, and is woven throughout TDI's twenty year history. It can be summarised most succinctly as the question 'Mad or bad?' When somebody commits a crime which to most people is unthinkable, particularly involving children, it is natural to question whether the very fact that they have been able to contemplate and carry out the act is evidence that they must be ill or mad. If they are mad, are they not culpable? The public sways between judgments of madness and evil, particularly in relation to paedophiles, and if the judgement is madness, then blame shifts to the systems and professionals who have failed to identify and prevent the risk.

The question of culpability is central to many aspects of sexual offending. Sentencing, and where the offender serves their sentence may be the most obvious, but the treatment, management in the community, and prevention of re-offending will all vary considerably according to the degree to which an individual is able to take responsibility for his actions.

Speakers

Mat Kinton is one of the UK's leading experts on the history and application of mental health law. Currently Policy Advisor to the Care Quality Commission, formerly Head of Research for the Mental Health Act Commission, he also works with a number of universities.

Mat gave a fascinating and entertaining overview of the history of the insanity defence. He began with the case of James Hadfield, who fired a gun at George III but missed. Hadfield had a head wound from French campaigns and a history of erratic violent behaviour, but explained his action as a form of suicide by proxy: whether he succeeded or failed in his attempt, he expected to be executed for treason, and may have believed that his martyrdom would cause the second coming of Christ. Hadfield's presentation was such that his defence counsel's problem was not to demonstrate that he was mad, but that he had shown careful planning, and no 'fury in the act', when previous acquittals on grounds of insanity had relied on an idea of raving, animalistic furore, so this defence challenged previous views of insanity in the courts. There was also the question of what should be done with him if he was declared insane. Hadfield's defence counsel, the barrister Thomas Erskine explained: "Delusion.... where there is no frenzy or raving madness, is the true character of insanity, and where it cannot be predicated of a man standing for life or death for a crime, he ought not, in my opinion, be acquitted: and if courts of law were to be governed by any other principle, every departure from sober, rational conduct would be an emancipation from criminal justice. I shall place my claim on your verdict on no such dangerous foundation. I must convince you, not only that the unhappy prisoner was a lunatic, within my own definition of lunacy, but that the act in question was the immediate, unqualified offspring of the disease". The judge invited the jury to consider an insanity verdict and they found Hadfield "not guilty, he being under the influence of insanity at the time the act was committed". The Trial of Lunatics Act 1800 was quickly passed, allowing for detention at His Majesty's pleasure, so that Hadfield could be committed to Bedlam Hospital, where he died of TB in 1841, aged about 70.

In 1812 John Bellingham assassinated the British Prime Minister, Spencer Perceval. Despite denying insanity, Bellingham was clearly subject to paranoid delusions, believing that his action would draw public attention to his business problems, which would be exonerated because they were caused by the ongoing war with Napoleon.

The judge in his case rejected the defence counsel's plea of insanity on the grounds firstly that such a defence would require proof beyond doubt that Bellingham at the time of the crime did not consider that murder was a crime beyond the laws of God and nature, and secondly, that even if Bellingham murdered the Prime Minister on the basis of a delusional belief that he was responsible for his business failings, his action would not have been justifiable were that belief to be true, as the law cannot tolerate murder to gratify revenge whether the reasons for the vengeful wish are real or imagined. A guilty verdict was returned, and Bellingham was hanged a week after conviction.

Six young men fired pistols at Queen Victoria on different occasions during her reign, and another, an insane army officer, struck her over the head with his cane. Initially such acts were treason, a capital crime, but because the assailants were often weak-minded in some way, and in several cases their guns were not loaded, an Act was passed to introduce a new crime of merely pointing firearms, shooting blanks, or hitting the Queen, to be tried as high misdemeanour, thus earning transportation or prison, with or without hard labour and whippings.

The first assailant was the 18 year old Edward Oxford, in 1840. He was acquitted of the capital crime on grounds of insanity under the 1800 Act, as he had delusions that he was in an imaginary secret society. He was sent to Bethlem Hospital and was one of the patients transferred when Broadmoor opened in 1864, along with Daniel M'Naghten, one of Queen Victoria's later assailants. Three years after that he was released on condition that he emigrate, and lived under another name in Melbourne, Australia, until his death in 1900. It was said that Oxford, reading news of later attacks on Victoria whilst he was in Broadmoor, said that "if only they had hanged me, the dear queen would not have had all this bother" – a view which was shared by Victoria herself.

In 1843 Daniel M'Naghten, clearly suffering paranoid delusions, shot and killed Edward Drummond, the Prime Minister Robert Peel's private secretary, mistaking him for the PM having watched him coming to and from Peel's house. M'Naghten was convinced that the Tories were after him. By this time, Bellingham's execution was recognised as a miscarriage of justice, and the courts didn't want to make the same mistake. Counsel for defence argued that he was suffering from "the disease of partial insanity, that is delusional beliefs so strong as to lead to a partial or total aberration of the moral senses, which may render the wretched patient incapable of resisting the delusion, and lead him to commit crimes for which morally he cannot be held to be responsible." The prosecution offered no challenge to this and the case was stopped, with M'Naghten removed to Bethlem Hospital. He died in 1865, shortly after being transferred to the newly opened Broadmoor Hospital.

In 1882 Roderick McLean attempted to shoot the Queen, purportedly motivated by a curt reply to a letter he had sent her. He was tried for high treason, but the jury, after five minute deliberation, found him "not guilty, but insane", and he lived out the rest of his days in Broadmoor, dying in 1921. This verdict prompted Victoria to ask for a change in English law so that those implicated in cases with similar outcomes would be considered as 'guilty, but insane'. She complained that "The law may be perfect but how is it that whenever a case for its application arises it proves to be of no avail? We've seen the trials of Oxford and M'Naghten conducted by the ablest lawyers of the day – and they allow and advise the jury to pronounce the verdict of not guilty on account of insanity, whilst everybody is convinced that both malefactors were perfectly conscious and aware of what they did." This led to the Trial of Lunatics Act of 1883, which brought in the possible verdict of 'guilty but insane', which remained until the Criminal Procedure (Insanity) Act of 1964, which brought in 'not guilty by reason of insanity'.

Mat drew the group's attention to Samuel Butler's 'Erewhon', written in 1872, from which he quoted "If a man forges a cheque, or sets his house on fire.... or does any other such things as are criminal in our own country, he is either taken to hospital and most carefully tended at public expense, or, if he is of good circumstances, he lets it be known to all his friends that he is suffering from a severe fit of immorality, just as we do when we are ill....." In Erewhon, ill people, however, are tried before a jury and sentenced as in our criminal justice system.

Butler also invented the concept of "Men trained in soul-craft, whom they call straighteners, as nearly as I can translate the word, which literally means 'one who bends back the crooked'. These men practise much as medical men in England.....". Mat pointed out life imitating art in 1924, when the American Orthopsychiatric Association (ortho meaning straight, as in orthodontist) was founded, with the object of bringing together representatives of the neuropsychiatry or medical view of crime.

Mat moved on to talk about the potential threat of taking a therapeutic approach too far. What of the psychopathology of the normal person, the person who has no specifically abnormal psychopathology, or no abnormality of a notable level of severity, to quote Freud "not exceptional state of mind". He pointed out that Freud had once in his life provided an expert opinion, in the case of Philippe Halsman, a Jewish Latvian studying in Dresden, who in 1930 was accused of murdering his father while the pair were hiking in the Tyrol. The evidence against him was circumstantial, the supposition being that the son had pushed the father over the edge of a path. In what is also probably the only recorded example of Freud telling what amounted to a slightly risqué joke, he argued that 'Precisely because it is always present, the Oedipus complex is not suited to provide a decision on the question of guilt. The situation envisaged in a well-known anecdote might easily be brought about. There was a burglary. A man who had a jemmy in his possession was found guilty of the crime. After the verdict had been given and he had been asked if he had anything to say, he begged for a sentence of adultery at the same time – since he was carrying the tool on him for that as well'. In his notes on the brothers Karamazov, Freud also said "it is a matter of indifference who actually committed the crime; psychology is only concerned to know who desired it emotionally and who welcomed it when it was done". Could there be a psychopathology of everyday life, or a neurology, or some other 'ology' that would push questions of free will, culpability and guilt out of the picture? Must an insanity defence be reserved for the insane? If not, could the criminal justice system ever pass over into a largely therapeutic or, God forbid, eugenic domain, where the concepts of punishment or deterrence become outmoded?

Finally, Mat quoted Nietzsche who, in *Beyond Good and Evil* thought "Insanity in individuals is something rare – but in groups, parties, nations and epoch it is the rule", and related it to the case of Anders Breivik, who sees himself as the emissary of what is effectively an internet based community of interest. Halsman's case was conducted against the background of rabid Nazi anti-Semitism for which an entire country voted. Where is the insanity?

Professor Don Grubin is an international authority on sexual offending. He runs the Sexual Behaviour Unit, a collaboration between Newcastle Tyne and Wear Mental Health Trust, the Probation Service, and Barnardo's, and is Professor of Forensic Psychiatry at Newcastle University.

Don pointed out that there are very few successful insanity defences in cases of sexual crime, probably no more than ten a year. He talked about how differently men and women experience sexual desire, and explained that it is likely that 10-15% of the male population experience some degree of desire towards children. However, very few act upon this desire. The vast majority are capable of controlling their impulses, and of overlaying them with moral and social rules which make it wholly unlikely that they would ever commit an offence. He asked the group to take part in a thought experiment, to imagine what they would do if all sexual activity were made illegal? He explained that in some senses this is the dilemma that is facing paedophiles. They are simply attracted and aroused by things that are completely unacceptable in our society. He pointed out that sexual offending was often the result of a cognitive distortion, in which the offender justifies their actions by questioning social norms. So for instance there is a relatively large clandestine internet community which challenges current social conventions on sex between adults and children. It is true that in previous periods of history different conventions would have been the norm, but we all live in our own time and have to abide by the law or choose not to. In most cases, those who choose not to abide by the law do so with knowledge of the consequences. The exceptions are the relatively very few people who are incapable of controlling their impulses, with very little concern for the consequences, and these are the very high risk cases. In Don's experience, most sex offenders can decide not to offend, and work can be done to help them control impulses and to maintain active risk assessment.

Discussion

Of all the events, this was perhaps the discussion which was least amenable to suggestions for practical action. There was a lively conversation about the difference between culpability and blame, and the apparent need for the public to find a recipient of the latter. It was suggested that perhaps the parallel is the difference between justice and retribution. If a terrible crime is committed against a child, does the public want retribution? And if it is argued that the perpetrator lacks capacity, and is therefore not culpable (guilty but insane), does the public demand that blame is lodged elsewhere, with the public services which failed to pick up the insanity, the risky behaviour, or the precedent cases. Does the retribution in this case become the sacking or prosecution of public servants?

It Wasn't Their Fault

There was a considerable discussion about the degree to which there is a danger of infantilising offenders by virtue of the fact that they might have suffered abuse and neglect as children themselves. There is a tendency for a whole range of offending behaviour now to be explained as 'developmental trauma disorder' and there was real concern amongst the professionals present that this was potentially very disturbing, along the lines suggested by Mat at the end of his talk. Once again, the conversation turned to the fact that most people who have been abused as children do not become abusers themselves. What is it that turns some but not all victims into abusers, and what is the point at which accountability has to be taken by the individual for their actions?

Conclusion

It was clear from the evening that the insanity defence is rare, and therefore that the great majority of sex offenders cannot be excused of culpability for their offences, and can be deemed to have chosen to act in ways that break the law. Many sex offenders attempt to justify their acts by challenging societal rules, and perhaps many professionals are tempted to explain their behaviour at least in part as resulting from abuse in their own childhoods.

In society in which many rules are becoming blurred to the extent that it is extremely hard to enforce them (the 'war on drugs' comes to mind), the area of sexuality is particularly fraught. The law exists to set the rules of society and to protect its people. The grey areas tend to be not around the obvious abuse of very young children, or the acts of violence committed between adults. Children are physically maturing earlier – there are several ten-year-olds, and many twelve-year-olds currently in the criminal justice system for rape. The increasing sexualisation of society encourage more children to engage in sexual activity, or at least a simulation of it, in ways that would have been wholly unacceptable to earlier societies even though their laws might have permitted marriage between adults and what we would now see as young children. In many ways children have far more opportunities to get into trouble sexually than in the past (access to the internet, fewer taboos, greater spending power, more freedom to mix with the opposite sex without oversight from responsible adults) at the same time that they are infantilised for longer by not being expected to take on the responsibilities of adult life. People with learning difficulties are quite rightly also nowadays in a position in which they are more likely to have greater independence, more spending power, and encouragement to have relationships. For quite sensible reasons, we may have created categories of vulnerability to sexual abuse that are just as wide as previous historical vulnerability created by poverty or societal norms.

If there is any conclusion to be drawn from this conversation, it is perhaps the importance in these circumstances of holding the line on the legal as opposed to therapeutic approach to culpability. A greater understanding of the laws on sexual behaviour promoted much more widely would be a good start, so that at least schools, community projects, and families were clear about where they were permitting illegal activity. It was felt, too, that it would be positive for children to balance their freedoms with some education about the law and sex.

We must work with the laws on sexual behaviour and they should be more widely understood. Could we consider education packages for schools and organisations that work with young people? Is adequate education on this matter available to the people who work with vulnerable adults?

Professionals should be clear where they are party to relationships which break the law, and should think clearly about where they stand in the actions they undertake.

List of Participants

Mary Greenwood
Jan Van Wagtendonk
Fr Richard Deadman
Terence Finley
Martin Anderson
Don Grubin
Ivor Stolliday
Sue Kennedy
Deborah Jenkins
Pat Walsh
Lyn Green
Martin Ward Platt
Rachel Patterson
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Rev Chris Barwise
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List of Speakers

Pat Walsh – *Associate, The Tavistock Institute*

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Godfrey Worsdale – *Chief Executive, Baltic Mill*

Su Clark – *Director, Artists' Network*

Rev Stephen Cherry – *Canon, Durham Cathedral*

Jan van Wagtendonk – *Chair, Sunderland LSCB*

Matt Kinton – *Mental Health Act Commission*

Prof Don Grubin – *Professor of Clinical Psychiatry, Newcastle University*

