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Remaking collective knowledge: An analysis of the complex and multiple effects of inquiries into historical institutional child abuse

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ABSTRACT

This article provides an overview and critical analysis of inquiries into historical institutional child abuse and examines their multiple functions and complex effects. The article takes a broadly international view but focuses primarily on Australia, the UK and Ireland, jurisdictions in which there have been major national inquiries. Drawing on sociological and other social science literature, it begins by considering the forms, functions, and purposes of inquiries. An overview of emergent concerns with institutional abuse in the 1980s and 1990s is then provided, followed by an examination of the response of many governments since that time in establishing inquiries. Key findings and recommendations are considered. The final sections of the article explore the evaluation of inquiries, both during their operation and in their aftermath. Policy change and legislative reform are discussed but the focus is on aspects often underplayed or overlooked, including an inquiry's credibility, its role in processes of knowledge production, and the part it plays in producing social and cultural shifts. In the context of growing numbers of inquiries across Western democracies, including the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, it is argued that grasping the complexity of the inquiry mechanism, with its inherent tensions and its multiple effects, is crucial to evaluating inquiry outcomes.

1. Introduction

For over two decades, the abuse of children in institutional settings has been recognized as a major social problem in many countries. Widespread attention to the issue has arisen primarily via two interconnected routes. One is media exposure of severe and systemic forms of maltreatment and cover-ups by institutions and people in positions of authority. The other is through the organization and activism of victims and survivors (Sköld, 2016). In countries where inquiries form part of the political culture, calls for investigation of the matters raised are often framed as a demand for a public inquiry (Daly, 2014b; Sköld & Swain, 2015a). The acquiescence of governments typically occurs when the issue reaches a point of crisis and is too large, complex or controversial to be handled through the usual political mechanisms. Such was the case with the Australian Prime Minister's announcement late in 2012 of the inquiry that would become the Royal Commission into Institutional Responses to Child Sexual Abuse (hereafter, the Royal Commission).

A similar pattern is evident in other countries, although precipitating factors and the form and focus of inquiries differ, both within and across jurisdictions (Sköld & Swain, 2015a). In Ireland, the Commission to Inquire into Child Abuse (hereafter, the Ryan Commission) was established in 1999 to investigate the abuse of children in Irish residential 'care' settings. This was followed by several high-profile diocesan inquiries into child sexual abuse. In the Nordic countries and in other parts of Europe many inquiries

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have now investigated abuse and neglect in children's homes and foster care (Sköld, 2013, 2015). A number of inquiries have also taken place in Canada (Daly, 2014b). In the United Kingdom (UK), which like Australia and Canada has a long tradition of public inquiries, many inquiries into institutional child abuse have been conducted since the late 1980s (Corby, Doig, & Roberts, 2001), including large national inquiries initiated in the mid-2010s into institutional child abuse in Northern Ireland, Jersey, England and Wales, and Scotland.

To date, most of the national inquiries undertaken by governments have examined all forms of abuse and neglect, usually in the context of residential 'care', such as orphanages and children's homes. Daly (2014a) refers to these settings as 'total' institutions, given their isolation from the wider society. There have also been many, usually smaller, inquiries conducted by governments and religious organizations focusing on child sexual abuse and institutional responses in more 'open' community settings, notably religious organizations. With some exceptions, for example the Samson Committee in the Netherlands which examined sexual abuse in residential 'care' (Dekker & Grietens, 2015), this has been the general pattern. However, two major national inquiries established in the early to mid-2010s, departed somewhat from the trend established by previous inquiries. The Australian Royal Commission and the Independent Inquiry into Child Sexual Abuse, which covers England and Wales, are examining sexual abuse only but in both 'open' and 'closed' institutional contexts.¹

Public inquiries into institutional abuse are distinct from the other main mechanism for investigating significant forms of child maltreatment, the serious case review (Corby, 2003). While nomenclature differs across jurisdictions, the function of the serious case review is to examine what happened, investigate the actions of relevant agencies, and determine how child safety can be improved in the future (Sidebotham et al., 2016; Vincent, 2014). By contrast, public inquiries into historical institutional child abuse – the focus of this article – are typically concerned with multiple institutions, systemic failures, cover-ups, many victims, and allegations often spanning decades. The *publicness* of many of these inquiries also differs from most single incident reviews, reflecting community expectations of a transparent investigative process and a publicly available report (Corby, 2003).

While public inquiries have been an important feature of the child protection landscape since the 1970s (Corby, 2003), it has been from the 1990s that historical institutional abuse inquiries have gained prominence (Sköld, 2013; Swain, 2016). Concerns with past events and claims for recognition and redress are often the catalyst for an inquiry's establishment. However, most have a dual aim of determining 'what happened' (and considering appropriate forms of restitution), as well as making recommendations to improve policy and practice for children in the future. Key areas of policy and legislative reform recommended by inquiries and acted upon by governments have been pre-employment screening and mandatory reporting (McAlinden, 2013; Parkinson, 2015). Historical institutional abuse inquiries have, therefore, assumed an important role in recent years in child safety initiatives in a number of jurisdictions, including Australia, Ireland, and the UK.

This article situates the Australian Royal Commission in the wider context of inquiries internationally by providing an overview and critical analysis of their background, purpose, functions, and effects. Such inquiries are, as Sköld and Swain (2015b, p. 2) have noted, "a global, yet Western-oriented, phenomenon". While there is considerable variation in scope, focus, and inquiry type, examination of inquiries internationally reveals common features, key issues, and important trends. In the first section, sociological and other social science literature is drawn upon to demonstrate the complex functions of public inquiries in general and historical institutional child abuse inquiries in particular. This is an important exercise, for despite a pervasive view that the purposes of inquiries are self-evident, definitional problems abound (Inwood & Johns, 2014; Prasser, 2006; Sheriff, 1983).

The section that follows provides a contextual overview of the emerging concerns with institutional abuse in the 1980s and 1990s and the response of many governments since that time in establishing inquiries. While acknowledging the existence and importance of inquiries in many nations, the focus is primarily on Australia, the UK and Ireland, jurisdictions in which there have recently been, or currently are, major national child abuse inquiries. An overview of key findings and recommendations is then provided before turning to questions of evaluation. Recognizing the importance of policy change and legislative reform, these aspects are considered. However, the article focuses on underplayed or overlooked dimensions, in particular an inquiry's credibility, its role in processes of knowledge production, and the part it plays in producing social and cultural shifts. In the context of growing numbers of such inquiries internationally, it is argued that grasping the complexity of the inquiry mechanism, with its inherent tensions and manifold effects, is crucial to evaluating inquiry outcomes.

2. Public inquiries: history, form, and function

To understand the role of commissions of inquiry in preventing and better responding to institutional child abuse, it is necessary to consider the forms such inquiries take, as well as their history, processes, and purposes. Statutory public inquiries are a governmental, legal, and social institution (Ratushny, 2009). A unique and important instrument of governance, they are temporary ad hoc bodies appointed by government but usually independent of them (Inwood & Johns, 2014). The functions of inquiries are multiple and complex. In addition to developing policy and discharging legislative obligations, they are charged with establishing facts, identifying wrongdoing, and assigning blame. Their primary function, however, is widely acknowledged as learning lessons from past events to inform the future (Beer, 2011; Makarenko, 2007). Inquiries have advisory functions for government but typically address matters that cannot be adequately dealt with by the existing apparatus of the state. Large public inquiries, then, are usually only established in exceptional circumstances and are at the extreme end of what Sheriff (1983) terms non-routine bureaucracy.

¹ The Royal Commission's terms of reference allow examination of "other related matters". Physical and emotional abuse, therefore, can be considered but only if these forms of abuse occurred in the context of the sexual abuse.

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