

# BITTER IRONIES

*The 'incest industry' draws heavily on groundwork laid by feminists but has failed to take on board a feminist analysis. Liz Kelly argues that in the face of an organized male backlash it is essential to the protection of women and children that we preserve and develop feminist services and make alliances with radical professionals.*

The extent of public concern about the sexual abuse of children, the fact that it is now more or less accepted that it often happens in the home and that abusers are usually trusted adults, suggests that some real progress has been made. Add to this some legislative reform, increased resources for research and treatment (more noticeable in other western countries than in Britain) and you get a sense of feminists having made a major impact. Reality is, as always, more complex and contradictory.

We have always had a dual track position in relation to sexual violence: campaigning for professionals and the state to take on the issues whilst building autonomous women's organisations in the community. In the late 1980s it is the professionals and the state who are centre stage. We are on occasion credited with having raised the issues, but it is clearly now time for the 'real experts' to take over. This raises a series of contradictions for us, not to mention bitter ironies. It is not just co-option and watering down which we have to contend with, however, but the emergence of a concerted backlash, organised by men, to resist our questioning of their sexual exploitation of children. These two shifts highlight how without a strong campaigning women's movement (which, after all, forced the recognition of these issues in the first place) 'gains' can be transformed, necessary connections separated. They also demonstrate the danger of placing too much faith in the professions and legal system.

### *A genderless crime*

Feminist theorists and activists did not just make child sexual assault visible, but also developed an analysis and an explanation. We placed sexual assault of children within our analysis of male sexual violence and our critique of male heterosexuality. For us, the connections were obvious (it is overwhelmingly men who abuse, and girls and young women are the majority of those abused) – and in a way they are for anyone who thinks about these issues coherently for more than two minutes. That is why these 'facts' are less acceptable than the gender neutral ones I began with. A range of techniques have been used to hide or deny these uncomfortable truths, since their implications are so obvious. The systematic refusal to address the fact that

the vast majority of abusers are male is the clearest example of our analysis being screened out of public discussion.

Throughout the 'Cleveland crisis', in social work journals, in newspapers, in academic papers, we read about "abusing parents" and "abusing families". That in reported cases there are seldom *any* women suspected of sexually assaulting children was never mentioned – except by feminists. The press statement and briefing document issued by the Feminist Coalition Against Child Sexual Abuse (FCACSA) the week the Cleveland Enquiry was published was ignored. No-one wanted to hear – a media and professional consensus had been reached which excluded any question other than whether Marietta Higgs was right or wrong.

The first bitter irony we have to contend with is that having argued against the universal 'he' in language, we now face the deliberate misuse of gender neutral language which masks gender specific behaviours. Even writers who explicitly acknowledge that the vast majority of reported incest cases are of fathers abusing daughters, refer thereafter to "parents" and "families".<sup>1</sup> Even with the 'facts' they cannot bring themselves to name men, let alone fathers.

### *But women do it too*

A slightly different, and in some ways more subtle, dismissal of feminist analysis of the 'male monopoly' is to begin by accepting that *currently* it appears that it is men who sexually abuse children. The implications of this are then neatly side-stepped by an insistence that abuse by women is underestimated, it is just more hidden, and hence not visible in reported cases or survivors' accounts. This dubious claim is justified by asserting that women have more legitimate access to children's bodies; therefore, women are more able to hide abuse of children.

I do not want to dismiss the fact that a few women do sexually abuse children. What concerns me is the way evidence we *do* have is ignored and evidence we *do not* have is invoked to support an ideological position. By asserting that lots of women abuse too, they just haven't found the survivors yet, the 'new experts' justify refusing to engage with feminist analysis, refusing to recognise men's power in the world and in the family.

It's a bitter irony which Louise Armstrong has pointed to in the context of the US: that whilst it was adult survivors, feminist writers and activists who put this issue on the agenda, a professionalised "incest industry" is taking over, and is being built on ignoring our analysis.<sup>2</sup>

### *The "Incest Industry"*

In the US, and to some extent here too, a new professional specialisation is emerging – people whose careers (and notice how many of the most 'successful' are men) have been built on the investigation, treatment and 'prevention' of child sexual assault. Within this group there are individuals who are passionately committed to supporting women and children, but very few have a coherent political analysis which would enable them to see just how challenging this issue is and, therefore, how difficult real change is going to be to achieve.

The process is only beginning in Britain, but today in the US literally thousands of professionals are paid to work on child sexual assault. There are specialists who assess children – medics, social workers, child psychologists; specialists who 'treat' children, families, abusers and adult survivors; specialists who investigate, prosecute (and defend) cases – police, lawyers, 'victim' advocates; specialists who design and conduct training programmes for workers; specialists who design and conduct 'prevention' programmes for working with children, young people and parents; specialists who conduct research and write books. The creation of this tier of 'experts' from within the professions means that many of the basic insights feminists developed concerning sexual violence and its impact have been lost, or deliberately ignored.

More than any other form of sexual violence, child sexual assault has become mainstream. In one sense this was inevitable, since state agencies are charged with protecting children. But the speed with which the issue has been professionalised, and the dominance of the medical and legal models in particular, is alarming. The language that is now increasingly used reflects this process. We used words like "talking", "telling" and "naming" when we spoke or wrote about our own experiences or those of other women: children apparently "disclose". This word is

rapidly invading the language of feminists who work with survivors too. The interviews and medical examinations of children are called "diagnostics", even where children have already told someone about the abuse. Who is diagnosing what?

The suggestion that only trained specialists should interview children ignores the fact that most children choose very carefully who they tell – they choose someone they think they can trust, someone they know. Rather than use this person in investigative interviews (as a few thoughtful agencies are doing, where possible) children are taken to a room (usually equipped with two-way mirror and video equipment) and interviewed by two

the mainstream has shifted perceptibly and very rapidly to believing them only if they say it in the right place, at the right time, to the right person. Right for whom?

Whilst many cases are more complicated than this, for example, a baby cannot tell who has abused them and some children are too frightened to tell, the influence of the law, the standards of 'proof' and 'evidence' it requires, now determines how all workers respond to this issue. Whilst I don't want to underestimate, or ignore, the major problems and contradictions in taking child sexual assault cases to court, many of the discussions about 'proof' and 'evidence' fail to distinguish between what you need to know in order to prove a case in court and what you need to



strangers (the preferred combination in many areas often being a male/female, social worker/police mix). This is another bitter irony, given the focus on stranger as abuser in some 'prevention' programmes, and the relative success we have had arguing that women who have been raped do not want to be interviewed or examined by a man.

Unless a 'disclosure' is recorded on tape, and/or there is supporting medical evidence, it appears that few workers are willing to state that the child has been abused. From a principled feminist position of believing children,

know in order to believe that a child has been abused. Unless these issues are addressed separately, changes in policy and practice may result in worse, rather than better, protection for children.

Similarly, the discussion of the impact of abuse on children reflects none of the understandings that feminists have developed. The word "victim" and all the assumptions that underpin it are used unproblematically. In much of the therapeutic work that is done with child and adult survivors there is little evidence that professionals notice the creative

ways which survivors tried to resist at the time, and are coping over time. Instead, a picture emerges of lifetime traumatised which can only be halted by therapeutic intervention; intervention which has future 'heterosexual adjustment' as a central concern.<sup>3</sup>

The work of feminist organisations which put child sexual assault on the public agenda is more and more marginalised, especially our principle of self-help and commitment to challenging issues of power when supporting women and children. Very few of the 'new experts' have even begun to look at how racism, classism, heterosexism and ablist might affect how child and adult survivors understand their experience. Nor do they explore how these additional forms of oppression might affect the options that were and are open to survivors in coping with abuse, let alone how these issues might affect their own perceptions and practice as professionals.

What little money there is available for services, resources and research in Britain (much larger amounts have been distributed in other countries) is going not to those groups who began this work, but to newly created, and self-defined, 'centres of excellence'. As the professionalised incest industry grows feminist services like Rape Crisis lines and Women's Aid refuges face closure.

#### **From bad to worse – the backlash**

The lack of political understanding of many of those in the professions now charged with responsibility for tackling child sexual abuse resulted in complacency: they thought they had won the major battles, and that all that was at issue now were decisions about resources. They did not anticipate men's organised resistance, such as happened in Cleveland and is happening on a much larger scale now in the US, and so were unable to respond strongly or effectively. Indeed some of the criticisms we would make as feminists have been used, not to further the interests of women and children, but those of men (and a few women) suspected of abusing children in their care.

Since the old strategy of insisting that children lie and/or fantasise about abuse will no longer wash, the untruth is now laid at the door of either 'zealous' professionals, or 'vindictive'/'paranoid' mothers. Both are bitterly ironic. It has taken years of work to

get professionals to countenance the possibility, let alone the probability, of abuse – now they are castigated for seeing it everywhere. The 'orthodox' approach to incest has maintained that mothers collude, and are in some way party to the assault of their children by their partner – now women who seek the support of the law in protecting their children are accused of inventing the abuse.

The role of professionals came into question during several cases of abuse of large numbers of children by staff, and their contacts outside, at day-care centres. The cases are now notorious in the US, and two in particular got national coverage similar to that in Britain around Cleveland – they are known as the *Jordan* and *McMartin Preschool* cases.

## **RUNNING FOR THEIR LIVES**

As in Cleveland the issue of whether the children had been abused, and a number of them had said they had which was why investigations happened in the first place, got lost in arguments about legal technicalities. Both cases involved prosecution of a number of individuals (including several women). Each defendant had a lawyer who was entitled to cross-examine each child. It was during the *Jordan* case that defence attorneys began questioning the 'supportive' stance taken by workers investigating assaults on children, suggesting that the words "diagnostic" or "validation" interview implied a bias from the outset. They thus felt justified in using a confrontative style of questioning when cross-examining the child witnesses. Videotaped interviews, which were originally introduced to prevent children having to be interviewed many times during an investigation, were now used by defence lawyers to discredit their testimony. Unless the child said exactly the same in court as they had on video, the defence lawyer questioned their credibility. Many of the carefully developed interview techniques which have been used to enable children to speak about what has happened to them were attacked, as was the criminal investigation of the case.

These tactics meant that the Jordan case fell apart in court; the prosecution withdrew the case before most of the children had given evidence. As with Cleveland, the complexities of what happened were lost as the US public breathed a sigh of relief – they did not have to believe so many young children had been systematically abused by professionals employed to care for them. As with Cleveland it wasn't the children who were the focus, but the 'over-zealous' professionals.

At the same time as these cases were being conducted a shift was occurring in relation to incest cases. A questionable study of 18 cases where abuse was discovered only after the woman had separated from her male partner, concluded that in ten cases, the accusations were false.<sup>5</sup> The authors do not present the grounds by which they reached

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this conclusion, but the underlying assumption was that mothers make their children say that they have been abused in order to win in custody and access disputes. These findings were transformed in several media reports from a small exploratory study into proof that 55 per cent of *all reported cases* are false accusations!

The impact of this 'idea' has been remarkable: men, particularly white middle class men who can afford legal fees, now no longer need explicitly to deny abuse. They can make a counter suit for custody of the child and the major issue in court becomes the mental health of the mother. Mothers have been described as "the real abuser" on more than one occasion in court.

In *The Battle and the Backlash*<sup>6</sup> a case is documented where it took a mother five years, 50 hearings and eight lawyers to get her daughter's abusive father denied parental rights. Clearly men's rights are vastly more important than arguments about the impact of repeat interviews and appearances in court on children. This woman was instructed by the court to hand her daughter over for access, for what she knew would be further abuse. When she refused to do this and moved states to defy the court order, she was held to be in contempt of court.

Women find themselves in a desperate

Catch 22. It doesn't surprise feminists, nor some child protection workers, that children first tell about abuse when their mother has already decided to leave their father. For the first time they have the possibility of safety, they need not feel responsible for the break-up of the family, they are no longer in the daily control of their abuser. Women who believe their children do not want them to be abused again and so challenge access, using the abuse as grounds. Since depriving a father of his paternal rights is seen as an extreme thing to do, the courts require proof. Children, therefore, have to be medically and psychologically examined. If fathers contest they have the right to second opinions – more examinations.

Cases rapidly become arguments between the experts, and courts increasingly require psychological assessments of the parents. Here the misogyny of psychiatry comes into play, since fault can always be found with women, mothers in particular, for not being 'good enough'. The men on the other hand tend to be assessed only on whether they fit clinical profiles for paedophiles. Phyllis Chesler's research on contested custody is instructive here. Her book, aptly titled *Mothers On Trial*, documents how 70 per cent of the mothers lost custody. In a proportion of these cases the father had physically and/or sexually abused a child, the mother or both. She argues that:

Our standards for 'good enough' mothering differ sharply as a function of gender as well as race, class and religion. An ideal father is expected to legally acknowledge and economically support his children. Fathers who do *anything* (more) for their children are often seen as 'better' than mothers who are, after all, supposed to do everything. The ideal of fatherhood is sacred. As such it protects each father from the consequences of his actions. The ideal of motherhood is sacred too. It exposes all mothers as imperfect.

### The men get organised

The outcome of the Jordan day-care case was the formation of VOCAL (Victims of Child Abuse Laws). The group exists to defend those 'falsely accused' and they are the major group pushing the idea that women use allegations during custody and access disputes. Some members of VOCAL see those who believe that children have been abused as

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"unprofessional" or "misguided", others label them "malicious". VOCAL now have over 100 groups in 40 states, and a similar grouping PAIAC (Parents Against Institutional Abuse of Children) has been formed in Australia. Whilst the names of both groups would suggest that they are concerned about all forms of abuse of children, in reality they focus on sexual assault and defending men. There are two groups in Britain which might develop in similar ways: Families Need Fathers and PAIN (Parents Against Injustice).

The basic position of VOCAL is that once abuse is suspected the accused are denied their constitutional rights – they are not presumed innocent until proven guilty. VOCAL has challenged all the recently introduced legal reforms as well as innovations in investigative techniques. Some of the positions they take are:

- children should not be removed from the home (and presumably nor should suspected abusers) since this amounts to a presumption of guilt;
- The testimony of investigative workers should be treated with caution since their methods presume guilt or that children have something they can be encouraged to tell;
- the use of leading questions, as well as anatomically correct dolls, are means of coaching children to say certain things;
- most evidence presented to the court is not 'proof' but opinion;
- all interviews with children should be videotaped; if there is any suggestion that children are being led or 'coached' then the case should be dropped;
- allowing children to give testimony on video links, or behind screens denies the rights of the defendant and suggests guilt to the jury;
- it is inappropriate for any professional to advocate for the child, since there are no equivalent 'parent advocates'.

Note the ways in which all the attempts to make testifying easier for children are turned around to suggest this is an unfair treatment of the defendant. VOCAL have been very quick to pick up on any argument which might support their case – they too note that there is now an 'industry' connected to child sexual abuse, but their concern is that

this is creating a 'moral panic' alongside the fact that many professionals have a financial interest in 'diagnosing' cases of abuse.

They have also kept a sharp eye on debates between professionals and researchers about whether psychological diagnoses such as *The Child Sexual Abuse Syndrome*, *The Accommodation Syndrome* and *Post-Traumatic Stress Disorder*<sup>8</sup> are scientifically valid. Feminists have also questioned these conceptualisations, but our unease centres on the dangers of simplistic models which fail to reflect the complexity and diversity of experience. What VOCAL's attack has done is rapidly undermine the practice in US courts of having 'expert witnesses' whose testimony can support the case that a child has been abused.

VOCAL now boast the 'A Team' – 'experts' and lawyers who specialise in challenging the prosecution evidence – i.e. children's evidence and evidence of adults who believe the child has been abused.

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VOCAL are secure enough to be explicit about the A Team's objectives – 'A' stands for annihilation!

Through their organisation, a clever tactical approach and use of the media, VOCAL are having an impact on professionals. Even though many know that some of VOCAL's members are abusers and paedophiles they are a powerful lobby. The extent of their success is evident from the fact that several well respected academics participated in their first conference and the fact that many commentators now accept without question that accusations of abuse which are part of custody and access disputes are more likely to be false allegations. The quote which follows is from a woman (!) lawyer who has acted for VOCAL members:

There are a lot of people who sexually offend their own children who are excellent parents, despite their little hang-up. It's not as if they abuse all the time – it maybe two or three times a week over a prolonged

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period . . . People think the worst thing that can happen to you is sexual abuse, it's not – it's being removed from your parents.<sup>9</sup>

The next move in VOCAL's attack may be to produce more justificatory nonsense like this, to undercut the recent acceptance that sexual assault of children is damaging.

### **The women get organised**

Faced with so many women losing custody to abusive men, women in the US responded creatively. Now a network, sometimes called an 'underground railroad', but with the name Sanctuary, provides escape routes and hides women and their children. Interestingly the network brings together feminists and community organisations like Mothers Against Raping Children (MARC), an organisation of adult survivors and mothers passionately committed to protecting children who are being abused. The need for confidentiality means that members of the network limit the numbers of contacts they have, each being able to move women and children one step. This necessary secrecy means no-one knows how many women and children are currently 'underground' – some say hundreds, others thousands.

Whilst women have sheltered other women and children informally for decades, Sanctuary formalised these arrangements following two cases heard by the same judge in Mississippi in 1986/7. Judge Sebe Dale shared Cleveland MP Stuart Bell's peculiar idea that suspecting upstanding men of assaulting their children was a witchhunt, and he too used the Salem analogy. Both fathers had responded to the accusations of abuse by applying for custody of the child. Despite the children having told their mothers about abuse, and medical and psychological evidence supporting this, the judge awarded custody to the fathers.

Both women spent some time in jail for refusing to hand their children over. After serving ten days Dorrie Singley went into hiding with her daughter Chrissy. Karen Newsom had already sent her daughter into hiding and spent 43 days in a Mississippi jail. She then broke down and revealed where her child was. She was held for a further three days and interrogated about her child's protectors. Meanwhile Dorrie was experiencing strange symptoms, on October 13th she was

admitted into hospital with a brain aneurism; she died the next day. This is an extract from the last entry in her journal:

Judge Dale, Honorable, isn't that what they call you? Honorable, isn't that what you're supposed to be? I find this hard to believe. An honorable man would protect the innocent, rather than the accused. At least that's what I always believed. I thought justice was what protected a victim. How wrong I have been for 27 years . . . For now my children as well as I am a victim of your injustice. It sickens my soul to think you have such power. The power to destroy a human being's life. To turn that person inside out, without even blinking. To turn your head on a criminal who could destroy another life. Literally destroy this time.

Dorrie's passion and distress arose out of her growing awareness of how terrified five year old Chrissy was of ever having to see her father again. With her mother dead, Chrissy's future looked bleak, and the feminist lawyer who represented both mothers in court – Garnett Harrison – was increasingly harassed by the court, threatened with being de-barred, and/or being sent to prison if she did not reveal Chrissy's whereabouts. Six weeks after her mother's death Chrissy was handed over to the juvenile authorities in San Francisco, in the hope that they would protect her. Despite the efforts of many women, within four weeks she was returned to the custody of her father.

While Sanctuary provides an escape route for some women and children, providing housing, money and travel arrangements, it is a drop in the ocean, and may reach breaking point soon, not least because the FBI are involved in a massive investigation in an attempt to break the network. At the same time many mothers are choosing to send their children into hiding whilst trying themselves to take on the legal system, to fight for justice. More and more of them are ending up in jail: Elizabeth Morgan has become the longest serving prisoner for contempt of court in US history – she has been in prison for almost two years! The latest ironic twist is that in late 1988 Tim Foxworth (Chrissy's father) filed a \$152 million law suit against 18 people who had sheltered Chrissy.

Whilst Sanctuary has created an alternative for some women and children, Louise Armstrong points out that the analogy with the underground railroad developed by Black slaves and Black and white abolitionists is:

. . . inaccurate in one crucial way: for these women and children, *there is no North*.

There is no state, no place, where safety can be relied on, no area in the country that promises protection. Indeed, ironically, I am told that women from Canada are seeking haven here – even as US mothers and children look towards Canada for hope.<sup>10</sup>

In case British women are tempted by the cosy security of thinking this couldn't happen here – it already has, and has been for some time. The difference here is that the men are not organised – yet.

### **So where to now**

The fact that there is no 'North' means we have to continue our dual track approach – but with more commitment and courage.

Unless we are prepared to abandon growing numbers of women and children to a life underground, we cannot afford to stop making claims on the state and legal system for change. We must think through the changes we campaign for, rather than accept the piecemeal tinkering that has been introduced so far. We also need to develop ways of entering into strategic alliances with professionals who are committed to supporting women and children, so that a coherent and strong resistance to the backlash can be organised.

If we are to have any chance of resisting total professional take-over, any chance of providing alternatives to adult women, young women and children, we cannot afford to lose any part of grass-roots services organised by women for women. We must begin to find ways of securing what we have, adapting to new circumstances and developing new networks and institutions. There are various ways we can do this. For example, feminists in professional jobs should commit themselves to lobbying for, supporting and, where appropriate and possible, developing independent women's groups. All of us have to begin to take seriously what may be necessary to, as Charlotte Bunch says, 'support our own'.<sup>11</sup> I suspect that more feminists support organisations like Friends of the Earth financially, than make annual donations to their local Rape Crisis, refuge or Women's Centre. We all probably spend more on books, alternative health care, therapy and leisure than we do on maintaining the institutions we have created. Their continued existence may depend on whether or not we choose to 'support our own'.

We also need more women committed to

'going public'; highlighting injustice and oppression through media actions and other forms of direct action. It took creativity and risk-taking to open the first refuges, and many women are now taking risks every day to keep women and children safe.

A war has been declared on women to preserve the right to father-rape. It is a war that feminists triggered by speaking out. If we do not join in we will have done no more than colluded in what is a cruel joke.<sup>12</sup> □

For more information, or to send donations:

Sanctuary, PO Box 50476, New Orleans, LA 70150

Letters of support to Elizabeth Morgan can be sent to:  
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South One, 1901 O St, Washington DC  
20003

#### **Notes**

1. Jeffrey J. Hauggard and N. Dickon Reppucci, 1988, *The Sexual Abuse of Children*, Josey-Bass (see chapter 5).
2. Louise Armstrong, 1983, *The Home Front: Notes from the Family War Zone*, McGraw-Hill.
3. Liz Kelly, 1989, 'From politics to pathology: the medicalisation of the impact of rape and child sexual abuse', *Radical Community Medicine*, Spring.
4. Mary MacLeod and Esther Saraga, 1988, 'Challenging the orthodoxy', *New Statesman and Society*, July 1st.
5. E. Benedek and D. Schetky, 1985, 'Allegations of child sexual abuse in child custody and visitation disputes'. In Benedek and Schetky (eds), *Emerging Issues in Child Psychiatry and the Law*, Brunner/Mazel.
6. David Hechler, 1988, *The Battle and the Backlash: The Child Sexual Abuse War*, Lexington Books.
7. Phyllis Chesler, 1987, *Mothers on Trial: The Battle for Children and Custody*, Seal Press, p. xiii.
8. See Chapter 4 of Hauggard and Reppucci (note 1) for a discussion of these models.
9. Hechler, p. 126.
10. Louise Armstrong, 1988, 'Child sexual abuse: fighting to end the rape of children', *Off Our Backs*, March, p. 22.
11. Charlotte Bunch, 1987, *Passionate Politics*, St. Martin's Press.
12. Armstrong, 1988, p. 23.

The Feminist Coalition Against Child Sexual Abuse can be contacted c/o CASU, Ladbroke House, 62-66 Highbury Grove, London N5 2AD. Copies of the briefing document are available for £1, and a southern area conference is planned for September.

