Redressing wrongs

Whether, how, and why money matters to victims

Professor Kathleen Daly
School of Criminology and Criminal Justice
Griffith University
k.daly@griffith.edu.au

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Presentation to
 Victims and Justice National Conference
  8-9 August 2016, Melbourne

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Overview

I. Money mechanisms and amounts

II. What can money ‘do’ for justice?

III. Observations and implications

I. Money mechanisms and amounts

**Civil litigation for injuries**

- US Catholic clergy and religious abuse
  - average (USD) $268k (~5,700 people)
  - $15k to $3.1m (settlements)
  - $262k to $3.4m (jury)
- 2/3’s of V/S have not pursued claims

(bishopaccountability.org)
Mass wrongs and mass redress

- 9/11 Victim Compensation Fund
  - deceased’s family: ~$2m
  - those injured: ~$400k

(Feinberg 2005)

Administrative schemes AU

- AVTOP (Australian Victims of Terrorism Overseas Payment)
  - cap $75k
  - average: $68.5k (primary victims)
    $67.6k (secondary victims)

(Dept of Human Services for FY 14/15)
Administrative schemes AU (cont.)

- State-funded criminal injuries
  - from ‘compensation’ to ‘financial assistance’
  - increasing numbers and decreasing money
  - FY 14/15 average: QLD ($7.8k), VIC ($7.6k)
  - NSW ($10.2 to 12.5k), but no data post-2013

Need better analysis from all jurisdictions on outcomes and how decisions are made

(Daly & Holder, in progress)

Administrative schemes AU (cont.)

- Redress for institutional abuse
  - $21k (AU individualised state schemes)
  - $39 to $48k (AU church & charitable)
  - $65k (Royal Commission CSA)

- Redress for policy wrongs
  - $58k (TAS Stolen Generations)

(Daly 2014, 2016; RCIRCSA 2015)
Administrative schemes AU (cont.)
- DART (Defense Abuse Response Taskforce)
  - cap $50k, average $38.7k
  - ‘not compensation’, but ‘acknowledgement’

(DART 2015)

II. What can money do for justice?
Some V/S do and do not participate
- Mrs Jones: 9/11 Fund
  - ‘Leave the application on the kitchen table’
- Vera and Gizella: German reparations
  - Gizella accepted immediately
  - Vera could not: ‘paying the blood of my father’
- Blood money

(Feinberg 2005; Slyomovics 2014)
‘It’s not the money that matters’

- Money matters, but not just the money
- Non-monetary aims (truth, accountability, preventing future occurrence)
- Money can confer meaning and acknowledgement
- Social/symbolic meanings of money essential, but difficult to realise

(Hensler 2003; Hadfield 2008; Daly 2014; Sunga 2002)

Law and lawyers can thwart plaintiffs’ aims

- Law’s remedy is money
  - Boston clergy abuse: suit became ‘only about the money’
  - Medical malpractice: ‘parallel worlds of understanding’

(Bishop and Balboni 2010; Relis 2007)
Individualised assessment can undermine social meanings of money

- Contradictory aims of V/S
- Problems when $ varies for members
- Meat market comparison
- Money amount devalues ‘worth’

What amount is sufficient to validate and vindicate a victim, to recognise a wrong?

(Daly 2014; Feinberg 2005; Feldthusen et al. 2000)

III. Observations and implications

- Meanings of justice for V/S: consider civil and administrative forms
- Participation activities important
- Civil litigation and (esp) administrative schemes have non-monetary elements
- Victims’ experiences vary: single or group; and if group, size and cohesion
- Implications for AU national redress scheme for institutional abuse
K. Daly, Redressing wrongs: whether, how, and why money matters to victims, Victims and Justice National Conference, Melbourne, August 2016