

Redressing wrongs

*Whether, how, and why
money matters to victims*

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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

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