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Book Review

Elizabeth Stanley (2016) *The Road to Hell: State Violence against Children in Postwar New Zealand*. Auckland, NZ: Auckland University Press.

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The road to hell was paved with good intentions, and the child welfare system was the paving contractor. (Canadian Judge Edwin Kimelman 1985, p.276 cited in Stanley 2016 at n.14 p.228)

Elizabeth Stanley's *Road to Hell* is an important and timely book. Drawing on records of over 100 former child residents of New Zealand welfare institutions and in depth interviews, it meticulously documents their experiences and catalogues the systemic abuse that they suffered as children under the guise of state 'care and protection'. The book offers a significant and powerful contribution to our growing understanding of the impact of the colonising state's harm on its citizens, by bearing witness to children's experiences as well as highlighting the secondary victimisation experienced when justice continues to be delayed and denied. It has been published at a time when yet again physical, sexual and psychological abuse of children in immigration detention, in youth justice detention and by key institutions like schools, churches, government departments and the entertainment industry are under scrutiny in Australia and elsewhere.

Stanley's book is a testament to her skill and dedication as a researcher and a tribute to those formidable and courageous individuals who shared their stories. The research includes 45 in-depth interviews, a documentary analysis of 105 life records, plus an examination of official government reports and related secondary sources including academic commentary, media reports and campaign materials. The chapters are organised chronologically, tracing the time from the moment when children were taken into to care through to their experiences in institutional settings and post release, to their current campaigns for justice as adults. Each chapter is illustrated with details from the records and from the interviews.

Stanley took a deliberate research decision to not interview those individuals who had been involved in policy development, in the placement of children, treatment decisions or abuse of children. Too often states deny responsibility for harm by blaming the bad individual apples in the institutional barrel and to avoid this Stanley's critique focuses on the systemic and structural conditions that provide the context for abuse to take place, not on individual

culpability. Nevertheless, it would be useful in the future if Stanley or another researcher interrogated the dynamic interplay of individual agency and the systemic context in which abuse is facilitated.

The book offers an important contribution to the kinds of critical criminological inquiry that openly engages with issues of rights and justice and which aims to provide a voice to those who are often hidden from history. Using oral testimony 'to speak truth to power' is an increasingly recognised process in the field of transitional justice, exemplified in truth and reconciliation procedures. Here, the truths revealed throughout the book make for disturbing reading. However, read it we must if we are to understand the level of mistreatment and torture endured by children in the state's 'care'. The accounts of the sadistic violence, sexual exploitation and humiliating treatment of children are graphic. In particular, the retelling of the almost cavalier way that children were subject to Electroconvulsive Therapy (ECT) as a punishment or as a behaviour modification tool is incredibly confronting. Children were also denigrated psychologically. They were blamed by workers for their own placement into care, were told they were not wanted by their families, and that they amounted to nothing and never would. By being described as no-hopers, delinquent, troublesome or sub-human, Stanley argues the state-justified corrective discipline promotes itself as a protective force, in this instance protecting society from the children in institutions, rather than the other way round. This is not just a feature of the New Zealand system. Accounts of life in borstals in the United Kingdom, the testimony of the Stolen Generation in Australia (see *Bringing Them Home Report* (HREOC 1997)) and many other documentary records, chart these dehumanising techniques of disempowerment.

Yet, the book does recognise that, for some children escaping tough, abusive family situations, the experience of being taken away from home was not a totally negative one. For this group, out-of-home care provided a sense of stability and access to opportunities that they otherwise would not have had.

Stanley's analysis is firmly embedded in a critique of the colonial state and the way that institutionalisation and abuse are experienced differentially along colonising gendered and raced lines. She documents how Māori, Pasifika (migrants from the Pacific region and their descendants now living in New Zealand) and Pakeha (non-Māori or non-Polynesian heritage) children had different pathways into residential care and were then scrutinised and treated in ways that reinforced preconceived negative, gendered and raced discourses. She charts the dislocation of Māori children from place and culture and the marginalisation of Whānau (extended family/kinship group responsible for upholding values and traditions) from decision-making procedures. It was only with the introduction of Family Group Conferencing via the *Children, Young Persons and Their Families Act 1989* that Whānau were recognised by the state and included as key agents in formal decisions. The mass institutionalisation of non-Anglo children from the 1950s to the 1980s in New Zealand echoes the patterns in Australia where the displacement of Aboriginal and Torres Strait Islander children from family, country and culture continues to today.

Stanley is open in acknowledging that her motivation for writing the book is to recognise and respond to the suffering endured by the individuals she has met throughout the course of the project. Moreover, in the process of bearing witness to their abuse, she is engaged in a project to break down the cultures of denial that surround state violence. As with many victims of violence, whether perpetrated by the state or by individuals, their pursuit of justice is not driven by revenge. Rather, it is concerned with establishing the truth of what happened and engaging in the recognition of that truth; repairing harm done; and preventing future harm to others.

Yet, as in many other jurisdictions, the road to justice is long and riven with state initiated blockades and detours. Building on Stan Cohen's original work on 'states of denial' (2001),

Stanley points out that denial 'saturates' her book. The New Zealand government to date has resisted a full Commission of Inquiry into the experiences of children in out-of-home care, and appears to be doing its best to undermine those individuals seeking redress by engaging in the discourse and techniques of denial. This involves disavowing systemic violence and, instead, wrapping up abusive practices in the language of child 'rescue', consigning abusive practises to history, and utilising legalist techniques to delay or divert those seeking justice, as well as continued victim blaming and shaming. Victims of state violence continue to be undermined as citizens; they are reconstituted as qualified rights bearers, where the political and financial interests of the state are prioritised over the rights of those who are not deemed to be 'ideal victims'.

This book deserves to be widely read and should be compulsory reading for those conducting any inquiry into institutional violence against children. It is not just the quality of the research, the structure of the book, the fluidity of the writing and the major insights into transitional justice and state denial that make it such a significant book. It is also the warmth, humanity and solidarity that Stanley brings to her task, which aims to recognise past wrongs, map out possible pathways to justice and to reassert the dignity and courage of the contributors.

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References

- Cohen S (2001) *States of Denial: Knowing about Atrocities and Suffering*. Cambridge, UK: Cambridge Polity Press.
- HREOC (Human Rights and Equal Opportunity Commission) (1997) *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Available at https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf (accessed 17 November 2016).

Legislation

New Zealand: Children, Young Persons and Their Families Act 1989