

The worst of all crimes

Wednesday, March 30, 2005

Moira Rayner

'Lock 'im up and throw away the key!' – a rare unanimity of views in British and Australian media about the deportation of a British-born paedophile after thirty seven years in a WA jail for raping little boys. Satisfying, yet simplistic, to return this damaged export.

Fifty years ago the British government sent 'orphans' to Australia under the Fairbridge Farm Scheme, where they endured forced labour, physical abuse and neglect, and the emotional anguish of believing themselves unwanted and unloved. The unluckiest were sexually abused, too. About a fifth of sexually victimised boys are now thought to become child abusers themselves.

Robert Excell was one of them. Sent to Western Australia when he was ten, he became one of the state's worst paedophiles. WA Attorney General Jim McGinty authorised his release this month on condition that he was immediately deported. Excell is still in a Perth jail because someone mucked up the immigration documentation and the publicity provoked a new complaint: that he had raped a nineteen-year-old prisoner thirteen years ago, which has to be investigated.

If he is not deported now Excell will die in jail.

These are the crimes Bob Excell committed. In 1965 he sodomised a seven-year-old boy, was jailed then paroled in 1973. Then he raped a nine-year-old. Four months after he was paroled again in 1977, he raped a thirteen-year-old boy. In 1982 he sexually assaulted two 'youths'. In 1998 he was charged but not convicted with fourteen counts of sexual penetration of a nineteen-year-old inmate of the jail in which he was participating in a sex-offender treatment program.

Attorney General McGinty, no fool on parole decisions - he recently intuitively refused a parole recommendation for a 'rehabilitated' rapist who then allegedly raped his tutor in the prison library - was persuaded that Excell was unlikely to re-offend, because he was sick, sixty six, celibate and had successfully completed psychotherapy that had refocused his sexual orientation. He was also impressed by Excell's support network, including his wife, her family and a swag of petition-signers. McGinty also



From The Leaving Of Liverpool, 1991,
Knapman Wyld TV Productions

agreed to release him because he could get rid of him.

Child sex abuse is a terrible crime. It cripples children's emotional, sexual and social development. Loathed by society, 'rock spiders' are despised by prisoners and have fearful prison experiences. So what, do you say? Who cares about what happens to a paedophile like Bob Excell?

We should.

One reason is the faint possibility that Excell might be 'cured'. His advocates are not all sentimental spinsters or silly civil libertarians. One is a revered octogenarian Mercy sister who has worked with Excell and other outcasts all her life and is no pushover, and who firmly told me on Monday that he has been transformed. Another is the woman who married him twenty years ago, stuck with him when he re-offended and paid for years of private psychotherapy because the prison 'sex offender' treatment was so woeful. Some dismiss her as just another misguided would-be 'saviour' of a jailed, manipulative monster. This does not explain why her family – one of them a tough journalist, Jim Magnus – has also defied Perth public opinion by asserting that Excell is no threat now. What flabbergasted me was a friend of my own who, on completing chemotherapy for advanced cancer, devoted herself to Excell's release.

Another reason is the social question he represents: how should society manage the risk that child sex abusers will re-offend? Loss of liberty is meant to be a finite punishment. We hope that prisoners will rejoin society, though we don't do much to rehabilitate them. Paedophiles don't slot back easily. Their offences are too horrible. We hate and fear them.

In 2004 Hollywood made a movie about the paedophile's dilemma: *The Woodsman*, after the hero in Little Red Riding Hood who rescues the little girl from the belly of the Big Bad wolf. This particular hero, Walter, played by Kevin Bacon, has a flaw. He is a 'recovering' paedophile, released after twelve years in jail for molesting little girls. He wants to be 'normal', but struggles. Rejected by his family; watched by a detective poised to arrest him 'when, not if,' he re-offends; with a parole officer who dislikes him, and the only accommodation he can find across the road from a school, he disengages. His past leaks out and his work colleagues revile him. His new girlfriend understands because she's survived incest. The atmosphere is foreboding, especially when he befriends a little girl in a park. They talk: he picks up her secret – her father's abuse - and comes fully to understand the harm he has done to little girls like her. He saves her.

Treatment for paedophilia is problematic. A paedophile has an exclusive, repeated erotic preoccupation with pre-pubescent children. I have found no research proof that there is any successful treatment

program for convicted paedophiles. Prisons lack treatment facilities or the programs are discontinued. Few paedophiles seek treatment outside the criminal justice system. Most bail out once it becomes confrontational. Some feel so powerless to control their urges that they seek an external 'cure', such as chemical castration. Successful treatment has to deal with the negative feelings associated with sexual acting out; the disinhibiting repetition of sexual fantasies; distorted perceptions – 'love' and 'normality' in child sex interactions - and the grooming and planning of sexual adventures.

The most effective inhibition is empathy – appreciating victims' feelings – and developing a proper guilt, rather than the narcissistic self-pity usually offered to a court. Another is third party supervision: Western Australian researchers Broadhurst and Maller found that increased likelihood of re-offending was linked to reduced intensity of post-release supervision. Effective treatment would need the offender's co-operation/ courage, and societal engagement. A recovering paedophile needs enduring relationships to change.

I can't see this happening.

If we can't change paedophiles, can we improve how we protect their victims? I don't know why we haven't taken up the lessons of Emeritus Professor Freda Briggs's research with abusers in South Australian and NSW prisons: that the transition from victim to victimiser is clear and direct: that child protection programs need to educate parents better; that little boys' vulnerability is under-estimated; that children accept sexual experience as 'normal,' not nasty, especially well-prepared ones; and that the paedophile a victimised child may become sees nothing wrong with what they do.

That is what happened to Bob Excell, who unwisely let the *West Australian* publish extracts from his personal, therapeutic memoirs, achieving nothing because it is not sufficient to know how he became a victimiser - we still need to protect all little boys. Effective treatment for him depends on a legal mandate, ongoing support and behavioural supervision for a long, long time, and stable, long-term relationships – none of this is available in the UK, whose authorities can only put him on a sex offenders' register.

What, then, should be done?

We could just accept that we need much better child abuse prevention programs for parents and children to really reduce the likelihood of risk being realised. We could segregate paedophiles from society for life, but how inhumane and inadequate to forever lock up men - and women too - who might be intelligent, insightful, remorseful and willing to make reparation, who want to be 'normal' but whose forensic condition cannot be 'cured'. It achieves nothing to subject them to unending self-disgust and

rejection, a pointless regime of petty rules, surveillance and useless occupations. Could we find humane, segregated communities and purposes for those who cannot be part of us? When Oscar Wilde looked back on his time in Reading Gaol, he only remembered that

Something was dead in each of us
And what was dead was Hope.

About the author

Moira Rayner has been a life-long advocate of the rights of children, and was the Director of the Office of the Children's Rights Commissioner for London. She is the Deputy Managing Director for the Council for Equal Opportunity in Employment Limited, a lawyer and a writer.

Published Comments

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"Could we find humane, segregated communities and purposes for those who cannot be part of us?"

This, along with Moira Rayner's bravely unfashionable comment about the difference between "proper guilt" and "the narcissistic self-pity usually offered to a court", is the way we have to start thinking about these terrible, apparently intractable problems.

I've noticed that, when we try to think about crime and punishment, our minds jam at the point where we need to imagine alternatives to incarceration. How can we protect ourselves from the incurably damaged without brutalising them further? It's very hard to do this thinking through the fog of fear that obscures the whole matter of pedophilia and the safety of children. But Rayner's piece is a very good start.

Helen Garner

Thursday, March 31, 2005

Congratulations on a brave and compassionate article.

It is too easy to write off people who do terrible things and treat them as somehow less than

human. What we are trying to do, perhaps, when we do this, is deny the dark side that is in every one of us.

Redemption must always remain a possibility, no matter how serious the offence. Concepts like justice and compassion only become really valuable, surely, when they become most difficult to apply.

Jane Caro

Monday, April 04, 2005