

“Fathers’ Rights” and Violence Against Women

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Introduction

Feminism’s perspectives and achievements regarding violence against women have become a key target for the activism of fathers’ rights groups. Violence is a common issue in family law proceedings and, more widely, violence against women is a blunt example of gender inequality and thus central to struggles over the meaning and shape of contemporary gender relations. Fathers’ rights groups promote understandings and policies regarding interpersonal violence as part of their efforts to maintain fathers’ contact with children after separation, protect and extend men’s power in familial relations, and deny or defend male dominance in society.

There are three ways in which the fathers’ rights movement has had an impact on violence against women. Fathers’ rights groups have influenced laws and policies that affect the victims and perpetrators of men’s violence against women, particularly in relation to separation, divorce and child custody. They have shaped political and community perceptions of violence against women, by discrediting victims of violence and by encouraging the mistaken belief that domestic violence is gender-equal. And they attempted to influence the services and institutions that work with the victims and survivors of violence.

There is no doubt that men and fathers who have undergone separation and divorce require services and support. Responses to separated fathers should be father-friendly, accountable, and oriented towards encouraging positive and ongoing involvements in their children’s lives. At the same time, we must also be prepared to respond critically to the misleading claims and dangerous strategies adopted by many of the groups who purport to advocate on behalf of separated fathers.

The fathers’ rights movement

The fathers’ rights movement is defined by the claim that fathers are deprived of their ‘rights’ and subjected to systematic discrimination as men and fathers, in a system biased towards women and dominated by feminists. Fathers’ rights groups overlap with men’s rights groups and both represent an organised backlash to feminism. Fathers’ rights and men’s rights groups can be seen as the anti-feminist wing of the men’s movement, the network of men’s groups and organisations mobilised on gender issues (Flood 1998).

Two experiences bring most men (and women) to the fathers’ rights movement. The first is deeply painful marriage breakups and custody battles. Fathers’ rights groups are characterised by anger and blame directed at ex-partners and the ‘system’ that has deprived men or fathers of their ‘rights’, and such themes are relatively common among men who have undergone separation and divorce (Jordan 1998, 22-23). The second experience is non-resident fathers’ dissatisfaction with loss of contact with their children or with regimes of child support.

The fathers’ rights movement focuses on gaining an equality concerned with fathers’ ‘rights’ and status rather than the actual care of children, what some have called a quest for ‘equality with a vengeance’ (Rhoades 2000, 155-156). It prioritises formal principles of equality over positive parenting and the well-being of women and children, conflates children’s welfare with parental equality, ignores actual caregiving divisions of labour, and neglects the real

obstacles to shared parenting both in couple families and after separation or divorce (Flood 2003, 50-64). Fathers' rights advocates attempt to re-establish fathers' authority and control over their children's and ex-partners' lives (Bertoia & Drakich 1993; Cornell 1998, 185-187; Stacey 1998, 56-57). In tandem with anti-feminist 'men's rights' groups, fathers' rights groups work to wind back legal and cultural changes which have lessened gender inequalities. Fathers' rights groups are well-organised advocates for changes in family law, and vocal opponents of feminist perspectives and achievements on interpersonal violence.

Privileging contact over safety

The fathers' rights movement has had three forms of impact on violence against women. Most importantly, the fathers' rights movement has influenced family law, with damaging consequences for women, children, and indeed men. Above all, fathers' *contact* with children has been privileged, over children's *safety* from violence.

An uncritical assumption that children's contact with both parents is necessary now pervades the courts and the media. The Family Court's new principle of the 'right to contact' is overriding its principle of the right to 'safety from violence'. The Court now is more likely to make interim orders for children's unsupervised contact in cases involving domestic violence or child abuse, to use hand-over arrangements rather than suspend contact until trial, and to make orders for joint residence where there is a high level of conflict between the separated parents and one parent strongly objects to shared residence (Rhoades *et al.* 2002, 73-74).

The fathers' rights movement has been unsuccessful in achieving its key goal of a rebuttable presumption of children's joint residence after separation. However, other changes in family law and government policy over the last two years have reflected its influence. Recent reforms mean that greater numbers of parents who are the victims of violence will be subject to further violence and harassment by abusive ex-partners, while children will face a greater requirement to have contact with abusive or violent parents (Hay 2003; Kaye *et al.* 2003; Kaspiew 2005).

Current government policy echoes many of the key themes of the fathers' rights movement. Both government policy and many fathers' rights groups are guided by two central, and mistaken, assumptions: that all children see contact with both parents as in their best interests in every case, and that a violent father is better than no father at all (DVIRC 2005, 5-6). Both bodies talk of 'conflict' rather than violence, neglect violence as a legitimate issue for the courts and family services to address, emphasise mediation and counseling as solutions, and focus on punishing women for making false allegations or breaching contact orders.

Discrediting victims

The second impact the fathers' rights movement has had on violence against women is in discrediting victims and spreading the problematic claim that domestic violence is gender-equal. Fathers' rights groups have discredited victims of violence by making two claims regarding false allegations of violence, claims which themselves are false.

First, fathers' rights groups argue that women routinely make false accusations of child abuse to gain advantage in family law proceedings and to arbitrarily deny their ex-partners' access to the children (Dads On The Air 2005). However, the evidence is that allegations of child abuse are rare (Brown *et al.* 2001, 372; Young 1998, 103), false allegations are rare (Brown *et al.* 2001; Brown 2003), and false allegations are made by fathers and mothers at equal rates (Brown 2003, 372-375). In any case, it is depressing to note that allegations of child abuse rarely result in the denial of parental contact (Hay 2003; McInnes 2002; Young 1998, 106-108).

Second, fathers' rights groups claim that women routinely make up allegations of domestic violence to gain advantage in family law cases and use protection orders to remove men from their homes or deny contact with children rather than out of any real experience or fear of violence (Lone Fathers' Association 2004, 11, 38). Again, Australian research finds instead that women living with domestic violence often do not take out protection orders and do so only as a last resort (Melville & Hunter 2001, 127-128; Simpson 2000, 18; Young *et al.* 2000, 3), and that protection orders do provide an effective means of reducing women's vulnerability to violence (Trimboli & Bonney 1997; Judicial Commission of New South Wales 1999; Young *et al.* 2000, 5).

Men's versus women's violence

Related to this, the fathers' rights movement also has had some impact on public perceptions of intimate violence. In particular, it claims that domestic violence is gender-equal or gender-neutral – that men and women assault each other at equal rates and with equal effects. This is one claim for which there *is* some academic support.

To support the claim that domestic violence is gender-symmetrical, advocates draw almost exclusively on studies using a measurement tool called the Conflict Tactics Scale. The CTS situates domestic violence within the context of "family conflict". It asks one partner in a relationship whether, in the last year, they or their spouse have ever committed any of a range of violent acts. CTS studies generally find gender symmetries in the use of violence in relationships. There are three problems with the use made of such studies by fathers' rights activists.

First, men's rights and fathers' rights groups make only selective use of this data, as CTS authors themselves reject efforts to argue that women's violence against men is as common or as harmful as men's violence against women (Kimmel 2001, 22).

Second, there are methodological problems with the Conflict Tactics Scale. The CTS is widely criticized for not gathering information about the intensity, context, consequences or meaning of the action. The CTS ignores who initiates the violence (when women are more likely to use violence in self-defense), assumes that violence is used expressively (e.g. in anger) and not instrumentally (to 'do' power or control), omits violent acts such as sexual abuse, stalking and intimate homicide, ignores the history of violence in the relationship, neglects the question of who is injured, relies on only one partner's reports despite poor interspousal reliability, and omits incidents after separation and divorce, which is a time of increased danger for women (Flood 1999; Dobash & Dobash 2004, 329-332).

Third, a wide range of other data find marked gender asymmetries in domestic violence. For example, crime victimization studies based on large-scale aggregate data, household and crime surveys, police statistics, and hospital data all show that men assault their partners and ex-partners at rates several times the rate at which women assault theirs and that female victims greatly outnumber male victims (Tjaden & Thoennes 2000, 25-26).

Feminist and other scholars have worked to reconcile the conflicting findings of these bodies of data. One important insight is the recognition of different patterns of violent behaviour in couples and relationships. Some heterosexual relationships suffer from occasional outbursts of violence by either husbands or wives during conflicts, what some (Johnson 1995, 284-285) call "common couple violence". Here, the violence is relatively minor, both partners practise it, it is expressive in meaning, it tends not to escalate over time, and injuries are rare. In situations of "patriarchal terrorism" on the other hand, one partner (usually the man) uses violence and other controlling tactics to assert or restore power and authority. The violence is

more severe, it is asymmetrical, it is instrumental in meaning, it tends to escalate, and injuries are more likely.

CTS studies are only a weak measure of levels of minor 'expressive' violence in conflicts among heterosexual couples. They are poorer again as a measure of 'instrumental' violence, in which one partner uses violence and other tactics to assert power and authority (Johnson 1995, 284-285).

There is no doubt that men *are* the victims of domestic violence. Men experience domestic violence at the hands of female and male sexual partners, ex-partners, and other family members. A growing body of research tells us that there are important contrasts in women's and men's experiences of domestic violence by intimate partners. Women are far more likely than men to be subjected to frequent, prolonged, and extreme violence, to sustain injuries, to fear for their lives, and to be sexually assaulted (Kimmel 2001, 19; Bagshaw *et al.* 2000; Belknap & Melton 2005, 5-6). Men subjected to domestic violence by women rarely experience post-separation violence and have more financial and social independence. Female perpetrators of domestic violence are less likely and less able than male perpetrators to use nonphysical tactics to maintain control over their partners (Swan & Snow 2002, 291-292).

Women's physical violence towards intimate male partners is often in self-defense (DeKeseredy *et al.* 1997; Hamberger *et al.* 1994; Swan & Snow 2002, 301; Muelleman & Burgess 1998, 866). On the other hand, women's intimate violence can also be motivated by efforts to show anger, a desire for attention, retaliation for emotional hurt, and so on (Hamberger *et al.* 1994). It is inadequate to explain women's violence simply in terms of their own oppression and powerlessness, and naïve to assume that women are immune from using violence to gain or maintain power in relationships (Russo 2001, 16-19).

Men are likely to under-estimate and under-report their subjection to domestic violence by women (George 1994, 149; Stockdale 1998, 63). There is no evidence however that male victims are more likely to under-report than female victims. In fact, men tend to over-estimate their partner's violence and under-estimate their own, while women do the reverse (Kimmel 2001, 10-11).

The fathers' rights movement's attention to domestic violence against men is not motivated by a genuine concern for male victimisation, but by political agendas concerning family law, child custody and divorce (Kaye & Tolmie 1998, 53-57). This is evident in two ways. First, the fathers' rights movement focuses on this violence when the great majority of the violence inflicted on men is not by female partners or ex-partners but by other men. Australian crime victimisation surveys find that less than one percent of violent incidents among men is by partners or ex-partners, compared to one-third of incidents among women (Ferrante *et al.* 1996, 104). Boys and men are most at risk of physical harm from other boys and men. Second, the fathers rights' movement seeks to erode the protections available to victims of domestic violence and to bolster the rights and freedoms of alleged perpetrators, and this harms female and male victims of domestic violence alike. I turn to this now.

Protecting perpetrators and undermining supports for victims

The third way in which the fathers' rights movement has had an impact on violence against women is in its efforts to modify responses to the victims and perpetrators of violence.

The fathers' rights movement has sought to wind back the protections afforded to the fictitious 'victims' of violence and to introduce legal penalties for their dishonest and malicious behavior. The Lone Fathers' Association and other groups argue that claims of violence or abuse should be made on oath, they should require police or hospital records, and

people making allegations which are not then substantiated, and those who have helped them, should be subject to criminal prosecution. They call for similar limitations to do with protection orders (Lone Fathers' Association 2004; DOTA 2005). Fathers' rights groups also attempt to undermine the ways in which domestic violence is treated as criminal behavior. They emphasise the need to keep the family together, call for the greater use of mediation and counseling, and reject pro-arrest policies.

Such changes would represent a profound erosion of the protections and legal redress available to the victims of violence and the ease with which they and their advocates can seek justice. This agenda betrays the fact that the concern for *male* victims of domestic violence often professed by fathers' rights groups is rhetorical rather than real. While such groups purport to advocate on behalf of male victims of domestic violence, they seek to undermine the policies and services that would protect and gain justice for these same men.

Fathers' rights groups often respond to issues of domestic and sexual violence from the point of view of the perpetrator. And they respond in the same way as actual male perpetrators: they minimise and deny the extent of this violence, blame the victim, and explain the violence as a mutual or reciprocal process (Hearn 1996, 105).

This sympathy for perpetrators is evident in other ways too. Fathers' rights advocates have expressed sympathy or justification for men who use violence against women and children in the context of family law proceedings. And, ironically, they use men's violence to demonstrate how victimised men are by the family law system (Kaye & Tolmie 1998, 57-58).

Members of fathers' rights groups also act as direct advocates for alleged perpetrators of violence against women. For example, one group distributes pamphlets for 'victims of a false AVO', giving no attention to how to respond to 'true' perpetrators of violence nor to the safety of family members.

Fathers' rights groups also attack media and community campaigns focused on men's violence against women, call for the de-funding and abolition of what they call the "domestic violence industry", and engage in the harassment of community sector and women's organisations which respond to the victims of violence (Flood 2003, 42; Matheson 1996; Young 1996).

Conclusion

The achievements of the fathers' rights movement are already putting women, children and indeed men at greater risk of violence and abuse. The fathers' rights movement has exacerbated our culture's systematic silencing and blaming of victims of violence and hampered efforts to respond effectively to the victims and perpetrators of violence.

However, the new politics of fatherhood has not been entirely captured by the fathers' rights movement. There is potential to foster men's positive and non-violent involvement in parenting and families. Key resources for realising the progressive potential of contemporary fatherhood politics include the widespread imagery of the nurturing father, community intolerance for violence against women, growing policy interest in addressing divisions of labour in child care and domestic work, and men's own investments in positive parenting.

However, thwarting the fathers' rights movement's backlash requires that we directly confront the movement's agenda, disseminate critiques of its false accusations, and respond in constructive and accountable ways to the fathers (and mothers) undergoing separation and divorce (Flood 2004, pp 274-278).

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