

Separated fathers and the ‘fathers’ rights’ movement

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Abstract

Separated fathers often feel profound grief, distress, and anger at the end of their relationships with their partners and their children. Some are recruited into ‘fathers’ rights’ groups, a network which claims to advocate on behalf of men and fathers who are the victims of discrimination and injustice in the Family Court and elsewhere. Yet such groups do little to help fathers heal or to build or maintain ongoing and positive relationships with their children. Some men do find solace and support in these groups, but they also may be incited into anger, blame, and destructive strategies of litigation. The fathers’ rights movement prioritises formal principles of equality over positive parenting and the well-being of women and children. Some groups seem more concerned with re-establishing paternal authority and fathers’ decision-making related to their children’s and ex-partners’ lives than with actual involvements with children. However, other responses to separated fathers are more constructive. Positive responses to separated men involve service provision in the community sector, forms of mediation which prioritise children’s wellbeing and safety, accountable grassroots-based support groups, and above all, strategies aimed at increasing fathers’ involvements in the care of children prior to separation and divorce.

Introduction

A critique of fathers’ rights groups and their harmful impacts on family law is already well established. This critique notes the significant harms experienced by women and children, especially those living with domestic violence or abuse, as a result of ‘reforms’ encouraged by the fathers’ rights movement. This paper builds on such critiques by noting the ways in which fathers’ rights groups are harmful for *fathers themselves*. It offers a critical assessment of the response to separated fathers offered by fathers’ rights groups.

The fathers’ rights movement

The fathers’ rights movement¹ is defined by the claim that fathers are deprived of their ‘rights’ and subjected to systematic discrimination as 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. These groups consider that males have been displaced from the labour market, schools and universities, deprived of their role as fathers, and are now regarded only as ‘gene pool and cash machine’ (Bouchard, Boily and Proulx 2003, pp. 5-7, 26-33).

Transformations in gender and families

The fathers’ rights movement has emerged in the context of profound shifts in gender, intimate and familial relations over the past four decades. The legitimacy of men’s domination has weakened under the influence of feminism, work and economic relations have been transformed

¹ Cornell (1998) and some other authors refer to the ‘fathers’ movement’. Here the phrase ‘fathers’ rights movement’ is used to distinguish this from other advocates and organisations promoting fathers’ involvement in families which do not share the agendas and worldviews of fathers’ rights groups. Nevertheless, fathers’ rights perspectives do have a wide currency across the political spectrum.

by married women's increased entry into paid employment and other changes, heterosexual sexual relations have been debated and public alternatives to heterosexuality have emerged (Connell 1995, pp. 84-85). Masculinities have been denaturalised and problematised, and new images and accounts have undermined traditional constructions of masculinity.

The fathers' rights movement is a response also to shifts in the structure and meaning of family and parenting relations. Family structures and fertility patterns in Australia have been transformed (Weston et al., 2001), leading to a growing diversity of relationships between adult men and children. More men are living separately from their biological children, fathering outside of marriage, having parenting relationships with children who are not biologically theirs, being custodial single fathers (Sullivan, 2001, p. 47), and parenting children in gay male relationships. The last three decades have witnessed important challenges to the economic, legal, moral and biological conditions of fatherhood and the forms of masculinity with which they are interrelated (Williams, 1998, p. 67).

Cultural definitions of fatherhood also have changed. The notion of the nurturant father, highly involved with his children and sharing the parenting with his female partner, now exerts a powerful influence on popular perceptions. Australian fathers now place less emphasis on their role as breadwinners and more emphasis on their role as providers of emotional support to their children (Russell et al., 1999, pp. 32-33). However, the culture of fatherhood has changed much faster than the conduct, and traditional divisions of labour persist in both parenting and domestic work (Weston et al., 2002, pp. 18-19). While the ideal of men and women sharing parenting is widely accepted in Australia, in couple-headed families fathers spend far less time than mothers engaged in child care or being with children (Craig, 2003). There has been virtually no change in the gender division of child care in couple households over 1986 to 1997 (Baxter, 2002, pp. 409-410). The gender gap in household labour has gotten smaller, but only because women are doing less and not because men are doing more (Baxter, p. 399). Nevertheless, many men aspire to do more fathering than they actually perform (Russell et al., pp. 4-8).

The state of contemporary fatherhood is 'both better than ever and worse than ever' (Doherty, 1997, p. 218). There is a rise in the numbers of fathers interested in playing an active role *and* a rise in those who are disengaging or being pushed away from paternal responsibilities (Emig & Greene, 1998, p. 4). On the one hand, fatherhood is enjoying the best of times among families with positive parental relationships and stable, committed father-child bonds and among post-divorce families with residential fathers or positive involvement by non-residential fathers. On the other, 'more children do not live with their fathers, relate to their fathers on a regular basis, or enjoy the economic support of their fathers' (Doherty, p. 221). Following divorce, most non-resident fathers in Australia move into a distant relationship with their children, their involvement generally dropping off with time after separation (Parkinson & Smyth, 2003; Russell et al., 1999, p. 11). Large numbers of non-resident fathers do not provide adequate economic support for their children after a divorce (Wolffs & Shallcross, 2000, p. 29). Most pay little child support or none at all, but this is because they are poor, although resident mothers are even poorer (Silvey & Birrell, 2004).

What brings men into the fathers' rights movement

Three experiences in particular bring men into the movement. (Although these overlap, I have separated them for analytical purposes.)

Separation and divorce

Among heterosexual men, separation and divorce represent highly traumatic experiences with both short- and long-term negative effects. Jordan's (1998) Australian research finds that men who have undergone divorce and separation feel acute distress at and soon after the time of separation, and some experience long-term impairment of their psychological well-being. Health problems are

worst among men who live alone rather than having repartnered (Jordan 1998). In another Australian study of separated and divorced fathers, drawn from applications filed in registries of the Family Courts, Hawthorne (2005: 3-5) reports that reactions to divorce of guilt and depression were common. While there was substantial variation in adjustment to separation, some men suffered breakdowns or contemplated suicide. American studies corroborate that separated fathers experience considerable emotional difficulties in the wake of separation (Lehr and MacMillan 2001: 378).

Hawthorne (2005: 5) argues that non-resident fathers suffer adverse reactions to separation which are greater than those of other separated parents with whom they share a loss of their marital relationship and marital identity, in particular as they grieve for the loss of their children. The dimensions of men's experience of separation and divorce are shaped also by poverty or financial security, social isolation or connection, the presence or absence of conflict and violence, and physical and mental health.

Painful experiences of divorce and separation, as well as accompanying experiences of family law and the loss of contact with one's children, produce a steady stream of men who can be recruited into fathers' rights groups.

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's (1998) Australian research suggests that significant proportions of men feel angry at their ex-wives, this anger lasts for years, and blaming of their ex-partners intensifies over time. Of men who divorced in the year or two prior to 1984, 46 per cent reported that 'I still feel angry towards my wife', and in a follow-up study in 1994, the same proportion continued to report this 11 or 12 years after their divorces. Among men who had divorced 11 or 12 years ago, close to two-thirds still felt 'dumped' and just over a third felt that they 'would never get over the divorce' or the divorce or separation 'was all a horrible mistake'. Over one-third of all men saw the reasons for the separation as mainly related to their ex-wife, and this proportion increased over time. In other words, these men were more likely to blame their ex-wives rather than selves as time went on (Jordan 1998, p. 26). In another study, this time of separated or divorced fathers in particular, Hawthorne (2005: 15) found widespread, although not universal, agreement that 'the system' makes it difficult for non-resident fathers.²

American findings are similar. For example, three-quarter of fathers in Braver and Griffin's (2000: 258) examination thought that the legal system favoured mothers, and two-thirds of mothers agreed. Similarly, most of 25 participants in a program for non-resident fathers believed that the legal system was biased against them, for example because their ex-partners were granted custody despite being drug-using, violent, or unfaithful (Laasko and Adams 2006: 90). In focus groups with 18 young noncustodial fathers, Lehr and MacMillan (2001: 376) found the general perception that the justice system discriminates against fathers, mothers have greater control over the court's determination of custody and access, and fathers only win custody if the mother is abusive to the child or drug-addicted. The men reported 'a general sense of frustration, anger, and helplessness' in relation to the judicial system and a sense that their involvement in it comes at a considerable emotional and financial cost (Lehr and MacMillan 2001: 376).

² Hawthorne (year: 20) acknowledges that some complaints made by these men apply to non-resident parents in general, but because men are nearly 90 per cent of such parents and also because mothers' voices often are marginalised, these difficulties are interpreted in terms of gender.

Dissatisfaction with loss of contact with children

A related source of entry into fathers' rights groups is separated men's dissatisfaction with loss of contact with their children. A survey of 237 divorced parents in Australia by Smyth *et al.* (2001) finds that most children's living arrangements are finalised without the need for a Family Court order. Consistent with overseas research, most arrangements are established at the point of parental separation and do not change afterwards. At the same time though, there is significant dissatisfaction among post-separation parents about their levels of residence and contact, particularly among non-resident fathers. From a 2001 study of 1025 separated non-resident fathers and resident mothers in Australia, 40 per cent of resident mothers, but 75 per cent of non-resident fathers, would like to see more contact occurring (AIFS 2003, p. 8). Furthermore, while only three per cent of resident mothers wanted any change in children's living arrangements, 41 per cent of non-resident fathers did so (Smyth, Sheehan and Fehlberg 2001).

Postdivorce parenting by non-resident parents has several distinct difficulties or limitations. Non-resident parents have limited time with children because of contact arrangements, restricting parental continuity, intimacy, and regulation. Their relationship with the other parent may be strained or hostile. And their relationship with the children, and especially their financial support, is subject to government and legal scrutiny and control (Braver *et al.* 2005: 82). Such constraints impose a heavy emotional toll on non-resident parents.

Divorce does not produce inevitably a willing recruit for fathers' rights. Research among divorced men in the US finds that some respond to divorce by making a priority of relationships with their children, setting aside differences with their ex-wives to ensure good co-parenting. However, other men respond to the stresses and turmoil of divorce by focusing on their 'rights' and their victimisation; they attempt to retain control over their former wives, and respond to the undermining of their paternal authority with strategies of parental and financial withdrawal (Arendell 1995).

Reassertion of traditional gender roles / backlash to feminism

More widely, among both men and women, one response to recent and profound shifts in gender relations and family lives is the attempt to reassert patriarchal gender roles and the 'traditional' nuclear family. The most visible examples of this response are fathers' rights groups, and these often overlap with men's rights and conservative Christian mobilisations.

Supporting separated fathers

There are three obvious reasons why we may wish to provide support to separated fathers;

- To assist them in healing from the negative effects of separation and divorce and to support them in dealing with other dimensions of non-resident parenting;
- To support them in maintaining or building ongoing relationships with their children, and related to this;
- To help them to manage an ongoing and positive relationship with their ex-partners.

(A further reason is to maintain non-resident fathers' payments of and compliance with child support, but I do not address this here.)

In relation to the second goal, I take it as given that promoting fathers' involvement with their children is part of building healthier families and healthier communities. Fathers' active participation in parenting is desirable not because mothers are inadequate, nor because fathers bring something unique to parenting, nor even because every family must have a father at its head.

Instead, fathers' participation is desirable because fathers, like mothers and other parenting figures, can and do make valuable contributions to the emotional, material and social well-being of children and families.

Moreover, at least in most cases, it is desirable for children to have ongoing contact with their fathers after their parents' separation or divorce. At the same time, non-resident fathers' contact with children is not in itself a good predictor of children's well-being. Of four dimensions of non-resident fathering assessed in Amato and Gilbreth's meta-analysis (payment of child support, frequency of contact, feelings of closeness, and authoritative parenting), authoritative parenting is the most consistent predictor of child outcomes (Amato and Gilbreth 1999, p. 565). Children benefit little from frequent contact *per se* with fathers; the nature of fathers' parenting makes much more of a difference. Amato and Gilbreth (1999, p. 568) also note that it is possible that the effect runs the other way: 'Competent and well-behaved children may elicit authoritative parenting from non-resident fathers'. In addition, contact with children also has psychological benefits for non-resident fathers themselves (Devlin *et al.* 1992).

I have noted that some separated fathers join community-based fathers' rights groups. Such groups purport to provide support for their members and advocate on their behalf. Is it the case then that fathers' rights groups help separated fathers to achieve the three goals I have outlined? No. Fathers' rights groups in fact stifle separated fathers' healing processes, constrain and harm their relations with their children, and directly compromise the wellbeing of children themselves.

I should not acknowledge that this assessment is not based on research among fathers' rights groups directly. Instead, I have drawn on the public discourses of fathers' rights advocates (in newsletters, press releases, and media commentary), existing academic research among fathers' rights groups, and analysis of online bulletin boards such as the Dads On The Air website (associated with a Sydney-based radio program).

Constrain the healing processes of separated fathers

First, do fathers' rights groups assist separated fathers in healing from the negative effects of separation and divorce? It is possible that some men do find solace and support in these groups. Studies of various kinds of volunteer-based, community groups find that participants gain personal benefits from the opportunity to share experiences with other group members, offer and receive support, and build wider social networks.

However, there is also some evidence that fathers' rights groups constrain the healing processes of separated fathers. Fathers' rights groups position men and fathers as victims, downplaying any sense of men's or non-custodial parents' agency, making analogies with oppressed groups such as Aborigines, and painting their opponents as possessing enormous power (Kaye and Tolmie 1998b: 172-174). Two studies among Australian men's rights and fathers' rights groups document the limited identities and discourses encouraged in these contexts. Maddison (1999: 42) found that participants had adopted a collective identity in which they are 'wounded by an aggressive feminism and the loss of [their] place in the world, yearning for a "true" masculinity in which [they are] both in touch with [their] feelings *and* in control.' (Maddison 1999: 42). Ideas of 'a damaged masculinity and unappreciated fatherhood' become central to their identities. Winchester (1999: 94), drawing on interviews with members of the Newcastle branch of the Lone Fathers' Association, found that the Association 'defines, defends and reproduces a hegemonic construction of masculinity through discussion and reiteration'. While participation allows the discussion of intense emotional matters, it also fosters and intensifies misogynist discourses which intersect with 'commonsense' sexist understandings.

Many fathers' rights groups thus offer their members subject positions based only in victimhood, and centred on hostility towards and blame of the legal system and their ex-partners. Such

approaches fix men in positions of anger and hostility, rather than helping them to heal. Of course, fathers' rights advocates may argue that feelings of victimisation and blame are the legitimate responses to genuine grievances suffered by separated fathers. In any case, the combination in these groups of emotional sharing and derogatory discourse generates an intensification and concretisation of hostility towards women, feminism, and legal and other systems.

It is ironic that while fathers' rights groups seek to prop up traditional definitions of masculinity and male dominance, such definitions in fact leave men ill-equipped to deal with the aftermath of separation and divorce. Traditional constructions of masculinity encourage men to be stoic and emotionally inexpressive and to avoid and denigrate stereotypically feminine qualities which leave a person open and vulnerable to others such as love and compassion (Doyle 1989, pp. 148-160). Thus men come to learn and display both emotional incompetence and emotional constipation, to distrust and feel discomfort with women's expression of emotions, and to be psychologically and emotionally isolated (Doyle 1989, p. 158). Such constructions of gender play themselves out in the typical emotional division of labour and the unequal emotional contract of traditional heterosexual relationships. The female partner provides both emotional and sexual servicing to her male partner and is the primary source of his experience of love, affection and nurturance, and he withholds emotional openness simultaneously while relying on her emotional work (Duncombe and Marsden 1995, p. 246; Hite and Colleran 1989, p. 30; Kaufman 1993, p. 241). Given such dynamics, separated and divorced men are more likely to be emotionally isolated and vulnerable to depression, suicide, and other negative outcomes.

In addition, fathers' rights groups may encourage their members to engage in malicious, destructive, and unproductive legal strategies. In the wake of changes to family law in 1995, there has been a large increase in the numbers of contravention applications by non-resident parents alleging breaches of contact orders, and many are being pursued as a way of harassing the resident parent rather than a genuine grievance about missed contact (Rhoades et al., 2002, pp. 6-9). Such efforts of course are harmful for the resident mother and for the children, as I shall discuss in a moment, but they are also harmful for the non-resident father. They take time and money, and they represent increased investments in campaigns of harassment and revenge rather than more constructive parenting projects.

I have noted that another dimension of support for separated fathers themselves is supporting them in dealing with other dimensions of non-resident parenting. Again, fathers' rights groups may help fathers to deal with the practical aspects of non-resident parenting: setting up a new house, engaging in parenting, dealing with community agencies and the Family Courts, and so on. At the same time, to the extent that fathers' rights groups invest in victim-centred and women-blaming accounts of separated fatherhood, they may have further negative effects.

Fail to promote fathers' actual involvement in parenting

Fathers' rights groups work hard to maintain the impression that they are focused on encouraging fathers' involvement in children's lives and that their members are motivated by love for their children. There is no doubt that many of the individual men in fathers' rights groups want a greater involvement in their children's lives, and many experience profound distress, grief, and anger at their loss or lack of involvement. However, fathers' rights groups have done little to foster fathers' positive involvement in children's lives, whether before or after separation and divorce. And, as I shall argue in the section which follows, fathers' rights groups have advocated policies which harm children directly.

Focuses on formal rights, equality, or status rather than the actual shared care of children

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). There have been important shifts in the discursive strategies adopted by fathers' rights groups over the past decade, but throughout, such groups have been consistent in their lack of substantive attention to the actual shared care of children.

In their public rhetoric throughout the 1990s, fathers' rights groups had emphasised issues of 'rights' and discrimination, presenting separated fathers as the angry and disenfranchised victims of an anti-male and anti-father system. However, as Rhoades (2005: 5-7) notes, by the 2003 House of Representatives inquiry into a rebuttable presumption of children's joint residence after separation, fathers' rights groups had shifted their rhetorical strategies. In their submissions, they focused on the need for 'equal parenting', emphasising that this is what is best for children. Fathers' rights advocates thus framed separated fathers as good and responsible parents, concerned above all with children's wellbeing. Fathers' rights groups also offered a secondary argument regarding 'parental fairness', centred on the claim that the legal recognition of equal parental status is of symbolic importance. Their arguments for equality had shifted therefore from notions of fathers' 'rights' to notions of parental 'fairness', although they continued to make other rhetorical claims regarding violence, custody, and other issues which have long characterised the fathers' rights movement (Rhoades 2005: 6-7).

However, while fathers' rights groups adopted the language of 'equal' or 'shared' parenting, they continue to neglect the issue of *actual* shared parenting. They ignore or deny actual gendered divisions of labour in households and families prior to divorce and separation, and give no attention to the practical realities of shared care after separation and how these may be realised. For example, it was clear from the submissions of fathers' rights groups during the Committee hearings that 'equal parenting was an important symbolic issue for fathers, rather than a description of how children would actually be parented' (Rhoades 2005: 7). Some groups emphasised that the presumption of joint residence would give men a sense of a 'rightful place' in children's lives after separation, rather than determining actual living arrangements or shaping fathers' practical involvement in caring and domestic work.

Focuses on re-establishing paternal authority rather than shared parenting

Related to this, some fathers' rights groups seem more concerned with re-establishing paternal authority and fathers' decision-making related to their children's and ex-partners' lives than with actual involvements with children.

The belief that it is desirable for men to play an active role in parenting is shared across the fathers' rights movement and feminism (Cornell 1998, pp. 185-186). Yet there are deep divisions between the fathers' rights movement and feminism over what this means and over families and parenting more broadly. Early 'second-wave' feminism argued for breaking down sexual divisions of labour in both the home and paid work. Feminists called for women's and men's shared parenting, as well as shorter and more flexible working days, parental leave, and the public provision of child care. In other words, they imagined 'creating the material conditions in which opportunities would exist for men and women to care equally' (Williams 1998, p. 80).

But in contrast to feminist interest in dissolving the rigidity and inequality of traditional gender divisions in families, the fathers' rights movements typically insist on rigid gender codes within the family and the re-establishment of paternal authority (Cornell 1998, p. 185; Stacey 1998, p. 56). In the writing of prominent fathers' advocate Wade Horn for example, there is a scornful rejection of the 'New Father ideal' in which men adopt nurturant forms of parenting involvement (Stacey 1998, p. 57). An early Canadian study of fathers' rights groups found that while members portrayed themselves as caring, loving fathers who had been denied their rights to equal custody and access to their children, they did not want a larger role in the day-to-day caregiving but rather

in the decision-making related to their children and ex-spouses' lives (Bertoia and Drakich 1993). In addition, fathers' groups' proposed solutions to child support and contact issues often show insensitivity to children's welfare and involve one-sided restrictions on the custodial parent (Kaye and Tolmie 1998a, pp. 36-42). According to Cornell (1998, p. 187), the fathers' rights movement does *not* aim to encourage men to parent. Instead, it wants men to *father* – to have paternal authority in a family structured by rigid gender divides.

Ignores the real obstacles to fathers' lack of involvement with children, both

(a) Before separation and divorce

The fathers' rights movement neglects the real obstacles to shared parenting, both in couple families and after separation or divorce.

The most important obstacle to fathers' parenting after separation is the absence of fathers' parenting *before* separation. At the point of relationship dissolution, many fathers 'have not established patterns of shared care, nor do they necessarily have the kind of relationships with their children that allow a smooth transition to a significant caring role' (HREOC 2003, p. 12). Given this, it is mothers who are often nominated as the primary carer. Thus, the best way to increase fathers' participation in parenting after separation is to promote greater involvement in parenting by fathers in couple families. Sharing care of children in couple families is desirable in itself, and will also lead to greater sharing of the care of children of separated parents.

Fathers' rights groups have failed to tackle fathers' lack of involvement with children before separation and divorce. I have argued elsewhere (Flood 2003: 49-63) that five strategies are vital in encouraging fathers' positive engagement in parenting: establish parent-friendly workplace practices and cultures, remove policy barriers which discourage shared care both in couple families and between separated parents, use family and parenting services to foster fathers' involvement in families, promote a culture of positive fathering, and address the gender norms and relations which constrain boys' and men's parenting and relationship skills and commitments.

Because of their wider anti-feminist agendas, some fathers' rights groups in fact have opposed the very measures that would facilitate greater sharing of parenting. For example, some have argued for reducing women's opportunities to participate in paid labour. In the National Fatherhood Forum's '12 Point Plan', released in June 2003 at Parliament House, one point stresses the need 'to reassess the relevance of outdated affirmative action policies and consider a return to merit based selection where only the best person for the job is offered employment'. This statement demonstrates a misunderstanding of affirmative action, given that its aim is to enhance merit-based selection rather than contradict it. But if this strategy succeeded in limiting women's participation in the (paid) labour force, it would also limit men's participation in parenting. Similarly, in a December 2002 press release, the Shared Parenting Council of Australia (a coalition of fathers' rights, family law and church groups) rejected recommendations for paid maternity leave put forward by the Sex Discrimination Commissioner Pru Goward, describing them as 'discriminating against single income (male provided) families'.³ Genuine advocates for involved fatherhood should be lobbying for further efforts to improve women's economic opportunities, and for more flexible workplaces free of penalties for involved parents of either sex.

(b) Neglects the challenges of shared parenting after separation and divorce

The fathers' rights movement also neglects the real obstacles to shared parenting after separation and divorce. First, it has focused on achieving a rebuttable presumption of joint residence in

³ Shared Parenting Council (2002) Maternity Leave Proposal by Sex Discrimination Commissioner – A Blatant Act of 'Sex Discrimination'. Media Release, 11 December.

family law, but the lack of such a legal presumption is not a significant barrier to men's involvement in post-divorce fathering. There are no formal legal obstacles to parents sharing the care of children after separation and divorce. Family law in Australia already endorses the principle of shared parenting, stressing that children have the right to know and be cared for by both their parents and that parents are jointly responsible for their children. Separating parents can make arrangements for shared residence, and small numbers do. Situations where fathers do not see their children after divorce are far less often the product of a Family Court order and far more often the reflection of patterns of parenting prior to divorce and decisions by the parents themselves (Family Court of Australia 1999; Pease 2002, p. 36). Research into the operation of the *Family Law Reform Act* 1995 finds that parents who share parenting did so without legal assistance, had voluntarily agreed to the arrangement, had a history of co-operation, and men had taken an active caregiving role (Rhoades *et al.* 2002, pp. 1-2).

Second, the fathers' rights movement ignores what is actually required to set up shared parenting after separation and divorce. Parents who have set up shared parenting arrangements after separation and divorce are a relatively small and select group, with particular characteristics and resources. And, as I shall argue, many separated and divorced families simply do not have the capacity to establish and maintain equal time shared care. Thus, there is also a sense in which fathers' rights groups, particularly through their proposed presumption of joint residence, try to force separating parents into arrangements of shared care that will be both ineffective and dangerous.

Shared care after separation is rare in Australia: only three to six per cent of children residing in one-parent households are in shared care arrangements where the other parent plays a major caring role (ABS 1999b, p. 28; Smyth Newcastle draft: 10). Studies among separated couples who have set up joint (physical) residence arrangements find that a cooperative and smoothly running co-parenting relationship is critical to their success. Such parents are motivated to sustain a child-centred orientation to parenting. They focus on the children's needs, contain their own anger and hostility, respect the other parent's privacy and autonomy, and are flexible and accommodating (AIFS 2003, pp. 15-17; Families, Law and Social Policy Research Centre 2003, pp. 1-3).

Hence, one key problem with a rebuttable presumption of joint residence is that the parents to whom would apply are least able to set up shared parenting arrangements. Those who reach the courtroom are often experiencing the most intractable and bitter conflicts, face issues of violence and abuse, and are the least likely to be in a position to share residence and parenting of their children.

Separated mothers and fathers who have established arrangements of shared parenting typically have made mutual decisions to end the relationship and to choose shared parenting. They have higher-than-average incomes, the ability to set up two households that can work as residences for the children, and access to family-friendly workplaces. Separated parents in shared care are also more likely to live near each other and less likely to have re-partnered, and such arrangements are more likely with children aged five to 11 than with younger or older children (AIFS 2003, pp. 17-18).

Shared parenting is 'logistically complex' and places great demands on parents, both personally and materially (AIFS 2003, p. 23). A rebuttable presumption of joint physical custody would cause considerable hardship for parents and children who lack the capacity to sustain it (Families, Law and Social Policy Research Centre 2003, p. 1). Indeed, the imposition of such a presumption may be particularly unfair for many fathers. Some fathers 'view their parental responsibilities as being predominantly met by financially providing for their families' (HREOC 2003, p. 15). A presumption of 50:50 shared care after separation may place unfair pressure on fathers to enter into working arrangements they do not desire, and may encourage the perception that fathers who

focus on financial provision for their children rather than shared care are inadequate or less worthy parents (HREOC 2003, pp. 15-16).

Of the strategies on which fathers' rights groups have focused ostensibly to unite separated fathers and their children, two others are to tie nonresident parents' (fathers') provision of child support to their contact with children, and to strengthen the ways in which resident parents (mothers) can be compelled to facilitate contact with the nonresident parent. I will not assess these here.

Harm children

While fathers' rights groups have done little to help separated men build or sustain ongoing relationships with their children, they also have harmed children directly.

The actual political agendas and activities of the fathers' rights movement are not oriented towards improving the wellbeing of children. While fathers' rights groups work to generate the impression that their proposals for family law reform are motivated by a concern above all with children's wellbeing, in fact these groups are prepared to compromise children's wellbeing in pursuit of their political agendas. Fathers' rights groups have compromised children's safety and wellbeing in four ways.

First, fathers' rights groups have attempted to force parental contact onto children regardless of whether those children want this or not and regardless of potentially negative effects on children's wellbeing. Second, fathers' rights groups have worked to reduce the obligations of non-resident fathers to provide child support, leaving children and their resident parents with fewer financial and material resources. At the same time, it is true that aspects of the existing child support system have imposed excessive and unjust financial penalties on some non-resident parents. Third, by fuelling non-resident fathers' hostility towards resident mothers, fathers rights groups have intensified interparental conflict, with negative impacts on children's wellbeing. I return to this influence below.

The bluntest form of harm to children is through the impact of fathers' rights agendas on policies and processes for dealing with domestic and family violence. Above all, fathers' rights groups have influenced family law, such that fathers' contact with children is privileged over children's safety from violence. Because of the influence of fathers' rights efforts, children now face a greater requirement to have contact with abusive or violent parents (Hay 2003; Kaye *et al.* 2003; Kaspiew 2005).

Fathers' rights groups have increased children's vulnerability to violence in two further ways. They have spread the false claims 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, and that that women routinely make up allegations of domestic violence to gain advantage in family law cases. And the fathers' rights movement has sought to wind back the protections available to victims of violence, and to increase the protections available to alleged perpetrators (Flood 2006). Given that interparental violence and parent-child aggression are highly correlated (Carr and Vandeusen 2002: 635), any policy change which increases women's vulnerability to intimate partner violence also increases their children's vulnerability to violence.

By working to discredit the adult and child victims of violence, undermine the support and protection available to them, and lessen the legal sanctions applied to perpetrators, the fathers' rights movement has abandoned the many children who witness or experience violence. Indeed, some fathers' rights advocates have even expressed sympathy for men 'who are so distressed by their loss of access to the children they purportedly love that they *murder* the objects of their affection' (Kaye and Tolmie 1998b, pp. 178-181). Men's murders of their ex-wives and children and subsequent suicides have been portrayed by some spokesmen as understandable responses to men's treatment in the Family Court (Maddison, 1999, p. 39).

Harm separated fathers' relations with the mothers of their children

Earlier in this talk, I outlined three goals that could guide the provision of support to separated fathers. The third goal is to help separated fathers to manage an ongoing and positive relationship with their ex-partners. This is valuable in its own right, but also valuable for its relationship to fathers' involvement with children. As a range of studies have found, non-resident fathers' involvement with their children is shaped in important ways by their relationships with their former partners, the children's mothers (Hawthorne 2005: 10). Posing the same question I have posed throughout this discussion, do fathers' rights groups help separated fathers to achieve this goal, of maintaining ongoing and positive relationships with their ex-partners?

I have already identified several ways in which fathers' rights agendas are likely to harm separated fathers' relationships with their ex-partners: imposing greater constraints on resident mothers' management of child contact, seeking greater control over resident mothers' management of everyday household decisions and child-rearing, reducing the financial support paid to them, making it easier for abusive non-resident parents to harass or interfere in the primary caregivers' lives, and limiting their ability to protect themselves or their children from violence and abuse. These efforts are likely to fuel resident mothers' hostility to their ex-partners and their reluctance to facilitate contact. However, there is a more general way in which fathers' rights groups damage the relationships between separated fathers and mothers, through their hostile and misogynist depictions of resident mothers and the impact of these on interparental relations.

Negative and hostile depictions of women in general and single mothers in particular are the bread and butter of fathers' rights discourse. As Kaye and Tolmie (1998: 184-190) document, fathers' rights literature routinely depicts women as parasitical, mendacious, and vindictive. First, resident mothers are portrayed as living lives of luxury relative to nonresident fathers, lazy 'sofa loafers' and 'gold-diggers' who are comfortable on government pensions and financially exploiting their ex-partners. As Winchester (1999: 93) found in her interviews with members of the Newcastle branch of the Lone Fathers' Association, group members consistently overestimated single mothers' financial well-being, underestimated the costs and expenses of caring for resident children, and undervalued their ex-partners' domestic work. In fact, recent analysis of those involved in the child support system as recipients or payers finds that while nonresident fathers are poor, resident mothers are even poorer, with 75 per cent living on incomes below \$15,600 per annum (Silvey and Birrell 2004: 50). Second, mothers are portrayed as dishonest and vindictive, prone to making false allegations of domestic violence or child abuse and arbitrarily and unilaterally denying nonresident fathers' contact with children (Kaye and Tolmie 1998: 186-187). Members of fathers' rights groups also portray their ex-partners as 'tramps', 'whores', 'sluts', 'bitches' and 'adulterers' (Winchester year: 90-91).

Recent public submissions by fathers' rights groups have emphasised their commitment to respecting mothers, and focused on lawyers, judges, and the 'system' as the main oppressors rather than mothers (Rhoades 2005: 7). However, hostile and misogynist discourses regarding single mothers, women, and/or feminism continue to be readily apparent in the newsletters, e-mail lists, and websites of fathers' rights groups.

The worldviews of fathers' rights groups will do little to encourage nonresident fathers' engagement in constructive and respectful relationships with their ex-partners. To the extent that fathers' rights groups fuel interparental hostility and conflict, they will have two negative impacts. First, they will lessen fathers' contact with children and increase fathers' use of the courts to enforce contact. For example, in his study of Australian fathers, Hawthorne (2005: 9) found a negative association between interparental hostility and the frequency of fathers' contact and involvement with children. Similarly, in an American study, fathers with greater conflict and poorer relationships with their ex-partners also were the ones who reported difficulties with visitation and more frequent resort to the courts (Lehr and MacMillan 2001: 377).

Second, because of their impact on interparental hostility and conflict, fathers' rights groups will lessen children's wellbeing. Interparental conflict is a leading stressor for children after divorce, and the best predictor of child maladjustment (Braver *et al.* 2005: 83). As Marsiglio *et al.* (2000: 1184) note, 'Because conflict is harmful to children, conflict between parents may cancel, or even reverse, any benefits associated with frequent visitation.'

Developing positive responses to separated fathers

Fathers' rights groups claim to speak for and advocate on behalf of separated fathers. Yet it is clear that their efforts do little to help fathers maintain positive relationships with their children. At the same time, there is no doubt that men and fathers who have undergone separation and divorce require services and support. Is there evidence then that other kinds of responses to separated fathers can have positive effects?

Support, education, and other programs among fathers do have positive effects.

There is some evidence that support groups, education programs, and other interventions can play a positive role in fostering fathers' wellbeing and fathers' positive relationships with their children and their children's mothers. First, there is evidence that parent education programs directed at fathers in general have positive effects. Such programs have been found to improve fathers' sense of competence in parenting skills, their communication skills, and children's perceptions of their relationships with their fathers (Devlin *et al.* 1992: 290-291). A range of preventive interventions have been developed specifically for non-residential fathers, although only three evaluations are available in the published literature. Devlin *et al.* (1992: 294) report that the participants in an American education program improved their perceptions of their performance as parents and their effectiveness in talking and listening to their children, while a control group did not. While the control group's satisfaction with parenting declined over time, the workshop participants' did not. Non-custodial fathers in an outreach program for single fathers stressed that the program gave them 'more understanding and respect for relationships', a more positive and optimistic outlook, and helped them to become better parents. The men reported benefits in sharing with other men, helping others deal with their problems, and finding emotional support and parenting support (Lehr and MacMillan 2001: 379-380). Finally, a recent evaluation of the US Dads For Life program, focused on its impact on children's behavioural adjustment, found that children of non-resident fathers who participated in the program did show beneficial effects, especially if they were relatively impaired when the program began (Braver *et al.* 2005: 91).

The potential positive role of support groups and other interventions – depends on both process and content

Like these other interventions, community-based groups for separated fathers could be an important source of support and community and a means to develop more involved and positive parenting. To realise this potential however, several conditions are necessary. Some conditions concern program philosophy or *content*. I have already argued that fathers' rights groups do not offer appropriate, well-informed, or constructive views of parenting and family issues. Support groups for non-resident fathers should teach fathers motivations and skills with which to maintain constructive relationships with the mothers of their children, manage conflict, and maximise interparental respect and cooperation. For example, in the Dads For Life program, among other things, post-divorce fathers are asked to refrain from behaviours that escalate the conflict, use simple attending behaviours, and avoid contemptuous behaviours, to avoid triggering animosity and negative behaviour cycles (Braver and Griffin 2000: 262). A more local example is the Fathering After Separation course run by the Canberra Fathers and Children's Service.

Some conditions concern program *process*. For example, support groups for separated fathers should;

- Be run by trained facilitators with therapeutic skills and knowledge;
- Prioritise the wellbeing and safety of children, including through protocols for safety;
- Prioritise the wellbeing and safety of fathers' ex-partners, again through inter-protocols for domestic violence and related issues;
- Work in tandem with other relevant programs and groups run in the community sector.

Developing service responses to separated fathers

There are in Australia some inspiring models of service provision to fathers. The Canberra Fathers and Children's Service (CANFaCS) provides accommodation and support to homeless fathers with accompanying children. Its statement of values emphasises that the 'client' in fact is the *relationship* between fathers and their children. The service recognises that the interests of fathers and children can be in conflict, and prioritises children's needs in such cases (CANFaCS 2005?: 77-78). And the service uses strong protocols regarding domestic violence, based in part on working relationships with the Domestic Violence Crisis Service and other agencies.

Ironically, the Canberra Fathers and Children's Service had its origins in a service run by the Lone Fathers' Association. The LFA received a grant in 1999 to provide an accommodation service for single men and men with accompanying children, although early supporting documents also framed the service as a refuge for men fleeing domestic violence. The LFA ran the service for two years, under the name 'Men's Accommodation And Crisis Service'. However, after an evaluation that was so damning that it was suppressed, management of the service was put out to tender. LFA's tender was unsuccessful, and the service was transferred to a group which had first been set up by the Domestic Violence Crisis Service several years before to provide advice on its phonenumber for men (CANFaCS 2005?: 71-74).

There has been growing reflection on the issues specific to working with resident and non-resident single fathers (Turner *et al.* 1999). I will not offer an overview of these issues here, but it is clear that responses to separated fathers should be father-friendly, based on 'strengths' rather than 'deficit' perspectives (Hawkins and Dollahite 1997; King 2000), accountable, and oriented towards encouraging positive and ongoing involvements in their children's lives.

Conclusion

To conclude. Fathers' rights groups claim to provide support for separated and non-resident fathers and to advocate on their behalf. A critique of the impact of such groups on family law is well developed, and this emphasises the harms visited on women and children by fathers' rights agendas. However, I have added to this a further point, that fathers' rights groups are harmful for separated fathers themselves and for their relations with children.

This critical assessment is significant in several ways. First, it has important rhetorical or ideological significance, in extending the public critique of fathers' rights activities and agendas. More practically, this critical assessment is relevant to the development of appropriate service responses to separated fathers. We should be working to respond in appropriate ways to separated fathers, not only because of the emotional and practical needs they have, and not only to encourage their ongoing and positive involvements with children, but also because doing so will lessen the recruitment of separated fathers into the fathers' rights movement. In other words, providing compassionate and constructive services for separated fathers is important in part because it diverts them from participation in fathers' rights networks. And doing this is desirable because such networks are harmful for law and public policy, for women and children, and for separated men themselves.

This critique also should inform the issue of *what kind* of service response we make to separated fathers. Fathers' rights groups have tendered for government funding for services regarding men and family relationships, although they have been largely unsuccessful in gaining government funding for service delivery thus far. Late in 2005, fathers' rights groups were urging each other to tender for the new Family Relationship Centres. Therefore, it is all the more pressing that we assess exactly what kind of response will most help separated fathers – to heal, to have positive and ongoing involvements with children, and to maintain cooperative relationships with their former partners.