Men, Masculinities and the Social and Legal Contexts of Fathers’ Rights Activism: Reflections on Shared Parenting and the Politics of Family Law

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1. INTRODUCTION

A Context: Researching Fathers’ Rights


Selected Themes

• The arguments advanced by FRGs (coherence, claims, evidence...)
• The historical development/internal structure of groups ...
• Questions of identity formation, FR Activism as a social movement
• The impact (e.g. on family justice incl. debates about shared parenting)
The Paper Today – Aims and Concerns
2. FATHERS’ RIGHTS AND SHARED PARENTING: A CONTEXT
We will not accept anything less than a right in law to see our children.
We will not accept anything less than equality of parenting and the same rights as mothers.
We will not accept the bigoted and prejudiced discrimination against fathers on the basis of their gender.
We will not be treated like second-class parents in our own country.

A MESSAGE FROM FATHERS4JUSTICE TO THE BRITISH GOVERNMENT

We will not let grandparents be separated from their grandchildren in secret courts.
We will not let our children be separated from their brothers and sisters in secret courts.
We will not let our sons be discriminated against like their fathers when they grow older.
We will not accept that the government acts in 'the child's best interests' when it has no evidence to support this claim.
We will not accept secret courts or an elected, accountable and eminently justiciable.
We will not accept the silencing of parents and children who speak out against secret courts.
We will not accept the catastrophic social & economic legacy created by policies which have left a generation fatherless.

Join the campaign for equal parenting today. Visit: www.fathers4justice.org
Listen to the children at: www.facebook.com/Children4Justice"
3. FAMILY LAW, SOCIO-LEGAL STUDIES AND THE CRITIQUE OF FATHERS’ RIGHTS

(a) Legislating for Shared Parenting? (Family Justice Review 2011, Fehlberg et al 2011...)

(b) Misunderstanding of Court Practice (e.g. Hunt and Macleod 2008)

(c) Historical/Gendered Nature of Legal Regulation – e.g. the ‘Good Mother’ (e.g. Smart and Brophy 1985)

(d) ‘Being Responsible’ – Gender Differences (e.g. Kaganas 2010, 2009)
(e) Effects of ‘Pro-Contact’ Culture and ‘Drift’ of Case law (e.g. Shared Parenting, Parental Responsibility Orders – a recent move to symbolically ‘affirm’ the father-figure? (e.g. Reece 2009, Kaganas 2010)

(f) Imagery-representations: ‘hostile (no-contact) mothers’ and ‘safe fathers’ (e.g. Rhoades 2002)

(g) Fathers’ Rights as ‘Backlash’ to Feminism / Equality Projects (e.g. Boyd 2004, 2001)

(h) Embodiment of ideas about men, heterosexuality, fatherhood (anachronistic, out of step social change?) (e.g. Collier 2005)
(i) Problematic evidence base (anecdote, assertion) – yet receptive audience? (Graycar 2000)

(j) Impacts in practice (cultural, legal), providing the ‘background noise’ to reform debates (e.g. Wallbank 2005).

(k) The ‘Sexual Family’ (Fineman 2004, 1995) & gendered realities of care (e.g. Smart and Neale 1997)

(l) Marginalizing men’s violence, issues of domestic abuse, risk, safety ....

• And Yet .... Some Unanswered Questions / Issues Arising
4. FATHERS’ RIGHTS ACTIVISM AND THE CRITICAL STUDY OF MEN AND MASCULINITIES

Fathers Activism as a ‘Masculinity Practice’

Historical Alignment: Men, Gender, Family – e.g. Reproducing Law’s Gendered ‘Sexual Divisions’ (and Feminist Critiques of the ‘Man’ of Law)

Understanding Individual Practices, an ‘Ideology of Masculinism’? (Garde 2003)

Fathers’ Rights Activism as a Gendered, Embodied, Performative (Masculine) Collective Practice ...
An Alternative View: Contextualising Conflict, Rethinking Masculinity...

A: The Father Figure as ‘Masculine’ Subject

1. Relationship to Values/Characteristics of ‘New’ ‘Engaged’ ‘Active’ Fathering? (Burgess 2007)

3. The Importance / Specificity of Legal Context: Fathers’ Rights as both *With* and *Against* the Grain of Family Law?...

B: Fathers’ Activism and the Problem of ‘Masculinity’

4. Theoretical Issues

• Explaining Men’s Individual Practices
• Plurality of Associations Within Field (Practice as Mapping to Different Facets of Contemporary ‘Masculinities’...
C: Rights Claims, Service Provision and Support

5. Intersection with Men’s Subjective Experiences of Power/Powerlessness? - and Social Functions of Organisations ‘On the Ground’

D: Being (Un)Reasonable?

6. (i) Questions of Emotion/Personal Experience
   (ii) Equality, Justice and the (Contradictory?) Messages Law Sends
5. SOCIAL AND LEGAL CONTEXTS OF FATHERS’ RIGHTS ACTIVISM

Fathering Practices / Identities

(e.g. Dermott 2008, Doucet 2006, Fatherhood Institute 2009, Stanley 2005 …many others … )

Law: Reconstructing Fatherhood?

(e.g sex, marriage, parenthood – disaggregating the ‘good father’?: the father-child dyad: fathers and intimacy: paternal responsibility (‘unbundling’ rights and responsibilities?): genetic link: focus on situated practices/‘gendered rationalities’: - reframing the ‘micro-politics’ of contact? (Smart 2006).
6. CONCLUDING REMARKS

Three Arguments ...
And Yet ... A Final Thought

Say it with hate this Mother’s Day.

Fathers4Justice are writing to all advertisers this Mother’s Day to inform them that the Mumnet website carries abusive and distressing anti-male content which promotes gender hatred against men and boys. We believe that the general sexualised labelling of men and boys as ‘rapebait’, ‘paedophiles’ and ‘wife beaters’ is as unacceptable and offensive as racism and homophobia. Fathers4Justice are asking advertisers to suspend their advertising on Mumnet until founder Justine Roberts adopts a zero tolerance policy to gender hatred. Promote a message of love, not hate this Mother’s Day. Join our boycott of Mumnet at www.facebook.com/Fathers4Justice

We Are Fathers 4Justice: End Gender Hatred against Men & Boys.

www.facebook.com/Fathers4Justice
www.fathers4justice.org
THANK YOU

28/3/12
• I mean, I did everything right you know, I worked hard, I gave them everything ... And my solicitor, society ... on and on, tell me fathers are important, but bollocks, I just don’t see it ... so how is it I can’t see my own kids, and she can do what she wants and I’ve lost everything?
• I’m not going to lose them, it’s just not going to happen. I know we did things wrong, but that was just how we were, you know ... but it’s going to be different now... they need me but I need them.