

# Patriarchy Reasserted

## Fathers' Rights and Anti-VAWA Activism

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The backlash against gender-sensitive responses to women's victimization, offending, and imprisonment is inseparable from contemporary reaction against feminism and other progressive movements. The backlash against the American Violence Against Women Act (VAWA) provides a prime example of this resistance. Despite widespread support for VAWA and other policies designed to address violence against women, some constituencies object to their existence. The author investigates fathers' rights rhetoric on VAWA as an example of antifeminist backlash.

**Keywords:** *backlash; fathers' rights; feminism; sex and gender; patriarchy; Violence Against Women Act*

The backlash against gender-sensitive responses to women's victimization, offending, and imprisonment is inseparable from the broader context of contemporary resistance to and reaction against feminism and other movements for civil and human rights (Chesney-Lind, 2006; DeKeseredy, 1999; DeKeseredy & Schwartz, 2005; Faludi, 1991). This backlash reveals the dialectical nature of social change as an ongoing struggle over authority, power, and knowledge (Weedon, 1987). My understanding of the nature of backlash follows Sylvia Walby (1993), who has argued that backlash is not simply a sign of resistance to feminism that seeks to slow its progress or temper its impact; it is an effort to reaffirm the patriarchal domination of women. As the most visible American symbol of the institutionalization of a woman-focused understanding of crime, the American Violence Against Women Act (VAWA; 1994) provides a prime opportunity to examine resistance to feminism. Despite the enthusiastic, repeated ratification of VAWA (Victims of Trafficking and Violence Protection Act, 2000; Violence Against Women and Department of Justice Reauthorization Act, 2005), resistance to it deserves serious consideration because of what it can tell us about the dynamics of backlash.

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In this article, I investigate fathers' rights (FR) rhetoric on VAWA as an example of antifeminist backlash. First, I define key terms central to this discussion including sex, gender and patriarchy. Second, I describe the method I used in selecting my sample for analysis. Third I establish the theoretical bases for my analysis, including patriarchal peer support and backlash. Fourth, I present the key themes that I uncovered in FR resistance to VAWA, including calls for formal equality, calls for the reassertion of patriarchy, and objections to women's authority. Finally, I conclude with remarks about the importance of considering FR backlash and suggestions for additional research.

## Key Terms

### Sex and Gender

A rudimentary discussion of sex and gender might seem unnecessary in an examination of FR backlash against VAWA. However, much scholarly writing on violence against women (and many other issues) continues to use the terms interchangeably, often conflating the concepts. Many scholars make claims about violence and gender based on research that documents only sex differences (Archer, 2000; Dutton, 2006; Straus, 1999). For example, although his meta-analysis of research on sex differences in partner aggression did not include studies on gender, John Archer concludes that his findings support "gender-free explanations emphasizing individual differences and relationship problems" for aggression rather than social and cultural factors (Archer, 2000, p. 668). FR claimants rely on this conflation to advance their argument that domestic violence is not a gender issue (Boyd, 2006; Fidelbogen, 2007; Kaye & Tolmie, 1998; Pizzey, 2006; Rabinovitch, 2001; Schlafly 2005a).

The distinction between sex and gender is one of the key conceptual contributions of feminism to scholarly and popular thought. It is widely recognized in fields ranging from anthropology to medicine (American Medical Association, 2000; Fishman, Wick, & Koenig, 1996). The idea of gender as socially constructed is visible as early as 1792 in Mary Wollstonecraft's *A Vindication of the Rights of Women* (Wollstonecraft, 1792/2004). The sex/gender distinction was explicitly articulated in 1972 by Ann Oakley, who distinguished "sex," the biological categories female and male, from "gender," the socially imposed characteristics associated with the sexes and labeled femininity and masculinity. More recent formulations of feminist theory reflect growing awareness of the ways that sex differences are also culturally constructed, and gender is context specific, multiple, and mutable (Brod & Kaufman, 1994; Fishman et al., 1996; Hearn & Morgan, 1990; Lorber, 2005). The sex/gender distinction is conceptually important because it challenges the notion that hierarchical gender differences are determined by biological differences between women and men. If differences and hierarchical power relations between the sexes are primarily

culturally constructed, they are changeable. If they are natural, on the other hand, it would be both impossible and morally wrong (unnatural) to change them. This is relevant to the longstanding FR claim that the natural rights of fathers and men are under attack by feminism (Anti-Feminist Political Party, 2007; Boyd, 2003; Christian Party, 2006; Fidelbogen, 2007; Kaye & Tolmie, 1998; Menzies, 2007; Schlafly, 2005b). As this article will demonstrate, the claim that VAWA is effectively a feminist inspired attack on men underpins FR resistance to VAWA.

## **Patriarchy**

Sylvia Walby writes that “patriarchy is not a historical constant” (1990, p. 173). It changes form over time, and different components of it become more or less important in different contexts. Familial patriarchy refers to forms of family structure where men are the head of the household (Schwartz & DeKeseredy, 1997). Social patriarchy refers to

a sex/gender system in which men dominate women and what is considered masculine is more highly valued than what is considered feminine. Patriarchy is a system of social stratification, which means that it uses a wide array of social control policies and practices to ratify male power and to keep girls and women subordinate to men. (Renzetti & Curran, 1999, p. 3, as cited in Chesney-Lind, 2006, p. 9)

Theories of patriarchy do not suggest that every man has power over every woman in every context, or that all women and all men share the same status. Instead, “patriarchal interests overlap with systems that also reinforce class and race privilege” as well as other valences of social stratification (Chesney-Lind, 2006, p. 9). Patriarchy is not therefore a single factor, as sometimes claimed by those antagonistic to feminism, but is instead the intersection of multiple factors relevant at all levels of the social ecology (DeKeseredy & Dragiewicz, 2007; Heise, 1998). This is salient to claims advanced by scholars such as Donald Dutton (2006), Peggy Grauwlir, Nicole Pezold, and Linda Mills (2006), and Murray Straus (1999), and the FR discourses they participate in, seeking to discredit analyses that link patriarchy to intimate partner violence (American Coalition for Fathers and Children 2005; Fidelbogen, 2007).

These distinctions are important, as the struggle to determine the meaning of women’s and men’s victimization and violence draw upon discourses on patriarchy and gender that resonate at the level of social policy. These and other contested constructs operate as sites of negotiation, where new knowledge and perspectives are assimilated into dominant discourses and frameworks (Kozol, 1995; Weedon, 1987). The authorization, in policy, of “gender specific” versus “gender neutral” perspectives on intimate partner violence pushes the limits of present understandings of how the world works. Those who view themselves as the losers in this negotiation endeavor

to contain threats to their presumed narrative supremacy by mobilizing political action around pressing social needs. For example, FR activists lobby to reconstruct parenting as a men's issue in an emerging post-patriarchal legal and social world.

## Method

I have been an observer of fathers' rights Web activity for the past eight years as a reader of Web sites, blogs, news articles, listservs and online discussions. Drawing on this ethnographic experience, I use qualitative textual analysis to investigate a targeted sample of FR Web sites that commented upon the VAWA during the summer of 2007. I chose to investigate FR anti-VAWA Internet discourses because the Internet is a primary home of fathers' rights activism and speech at the present moment (Collier & Sheldon, 2006; Mann, 2005; Menzies, 2007).

In order to locate Web sites for analysis, I searched the Internet using the search terms "VAWA," "Violence Against Women Act," and "fathers' rights" or "men's rights." A Google search for "fathers' rights VAWA" returned about 4,080 "hits." Searching for "fathers' rights Violence Against Women Act" returned about 181,000. These results included many individuals and organizations that had commented on VAWA occasionally or in passing, and others that commented repeatedly and in some depth. I limited my query to U.S. groups and individuals that commented repeatedly and in depth about VAWA, because they articulated their claims and arguments in detail. In the end, I closely examined approximately fifty different fathers' rights Web sites.

My analysis of the data is informed by feminist cultural studies of media that view discourse analysis as a potential source of information about cultural values and perspectives that may not be explicitly articulated. In other words, the ways that we talk about social issues can reveal implicit underlying values and assumptions. Importantly, my investigation is qualitative and purposive. It makes no claim to be statistically representative. Rather, as is also the case with grounded theory (Glaser & Strauss, 1967; Strauss & Corbin, 1998), I have systematically reviewed a sample of Web sites that participated in anti-VAWA action with the aim of identifying key themes that emerge from this discourse. That is, I conducted an in-depth examination of the arguments articulated about VAWA with the aim of identifying key themes that recur across FR anti-VAWA Web sites.

Fathers' rights groups are among the most vocal opponents of VAWA and other institutionalized responses to violence against women in the United States and other Western jurisdictions (Boyd, 2006; DeKeseredy, 1999; DeKeseredy & Dragiewicz, 2007; Fineman, 1995; Mann 2005). FR attacks against VAWA are especially appropriate for this special issue on reaction and resistance to gender-sensitive responses to women's victimization, offending, and violence because FR activists demand that if VAWA cannot be eliminated, it must be made sex and gender *insensitive*. Despite

their insistence that sex, gender, and patriarchy are irrelevant to domestic violence, demands for the reassertion of patriarchy are central to FR rhetoric.

## Theoretical Framework

### Patriarchal Peer Support

Patriarchal peer support refers to “the multidimensional attachments men form to male peers” who abuse or assault female intimate partners or who “provide resources that perpetuate and legitimate such assaults” (DeKeseredy, Schwartz, Fagen, & Hall, 2006, p. 231). Patriarchal peer support incorporates multiple factors at different levels of the social ecology including social and familial patriarchy, courtship patriarchy, relationship stress, heavy use of alcohol, and the absence of deterrence for men’s violence against women. Social and familial patriarchy, relationship stress, and the absence of deterrence are the most relevant to FR resistance to gender-sensitive responses to violence against women. Fathers’ rights Web site discourse advancing social and familial patriarchy, relationship stress as a cause of domestic violence, and resistance to the emergent threat of legal deterrence of violence against women is therefore consistent with patriarchal peer support theory. Fathers’ rights Web sites are an emergent site for mobilizing and reinforcing patriarchal sentiments.

Patriarchal peer support theory relates social patriarchy to what is sometimes referred to as “rape culture,” a pervasive atmosphere of male dominance and objectification of women in more and less hostile guises (Brownmiller, 1975; Buchwald, Fletcher, & Roth, 1994). The images of women that permeate rape-supportive cultures contribute to the dehumanization of women, positioning them as subservient, submissive, and existing for men’s use, not as equals. Patriarchal peer support theory stresses the importance of the interaction between the multiple sociological and psychological factors contributing to woman abuse. For example the normalization of sex and gender inequality established by social patriarchy may be intensified for men who grow up under familial patriarchy, especially if they have witnessed their father abusing their mother (DeKeseredy et al., 2006; Williamson & Silverman, 2001). Williamson and Silverman also found that “associating with peers who advocate and perpetrate dating violence was related to abusing one’s own female partners” (Williamson & Silverman, 2001, p. 543-544).

Patriarchal peer support stresses conflicts that emerge at the intersection of patriarchal social expectations and the realities of individual relationships and interactions (DeKeseredy et al., 2006). Men are “regularly exposed to messages from other men suggesting that a real man is not under the control of a woman; a real man . . . does not accept attacks on his masculine authority” (Schwartz & DeKeseredy, 1997, p. 48). In this context, arguments about money, housework, child care and so on may be interpreted as challenges to masculine authority in a relationship. The focus on the interaction of social and familial patriarchy in *creating* relationship stress is a

very important contribution to theorizing men's violence against intimate partners. Moreover, FR discourse situates feminism as the source of stress as feminism authorizes female autonomy from male control.

The absence of deterrence for male violence against intimates is the part of patriarchal peer support theory that is most relevant to this discussion. Given their focus on attacking criminal and civil remedies for violence against women, the relatively recent threat of criminal, civil, and financial consequences for violence against women appears to drive FR backlash against VAWA and similar policies (Boyd, 2003; Mann, 2005). Although most abusers continue to avoid criminal sanctions for their violence, many more men than in the past are ordered into batterer groups, are convicted for violent assaults, and face civil penalties like protective orders that may produce criminal charges if violated (California Office of the Attorney General, 1999; Maxwell, Garner, & Fagan, 2001; Schneider, 2000).

The indirect effects on abusive men include increased odds of being required to pay child support, because states are supposed to consider domestic violence as a factor in custody determination, and custody arrangements are tied to child support in some U.S. states. Other indirect financial effects of increased penalties for domestic violence include being forced to pay for batterer programs. Indeed, VAWA is responsible for a significant portion of the threat of penalties faced by abusive men in the United States. Millions of dollars have been distributed in the form of STOP (Services, Training, Officers, Prosecutors) grants to encourage arrest and prosecution for domestic violence. Although VAWA poses specific threats to batterers (Bancroft & Silverman, 2002), VAWA's symbolic challenge to patriarchal authority threatens a wider group of FR activists. FR groups are working to reverse this trend by reasserting the necessity of patriarchy, as in the claim that the survival of civilization depends on father presence (American Coalition for Fathers and Children, 2005; Anti-Feminist Political Party, 2007; Baskerville, 2003; Christian Party, 2006; Schlafly, 2005b; Usher, 2005) and by calls for formal equality (Boyd, 2003; Boyd 2006; Fineman, 1995; Kaye & Tolmie, 1998).

Patriarchal peer support helps to explain how FR activists can attack anti-domestic-violence efforts in a culture where there is widespread nominal disapproval for men's violence against women, as institutionalized in VAWA and similar laws (Victims of Trafficking and Violence Protection Act, 2000; Violence Against Women Act, 1994; Violence Against Women and Department of Justice Reauthorization Act, 2005). Backlash ideology and rhetoric provide vocabularies of adjustment (Schwartz & DeKeseredy, 1997) that allow antifeminist FR groups to safely attack antiviolence initiatives that enjoy extensive political and public support. Tapping into pervasive and persistent patriarchal gender norms, these groups work to undermine the necessary conditions for women's freedom from violence without making direct statements of support for violence against women that might be socially unpalatable. The tactics they use to resist gender-sensitive responses to violence against women reflect patterns in the larger backlash against feminism.

## Backlash

Following Susan Faludi's (1991) articulation of efforts to contain, undermine, and reverse the gains made by women under feminism, scholars have commented extensively on the backlash against feminism (Chesney-Lind, 2006; DeKeseredy, 1999; DeKeseredy & Dragiewicz, 2007; DeKeseredy & Schwartz, 2005). Sylvia Walby characterizes backlash as a "recurring feature in the history of feminism. Feminist successes have often been met, not only with resistance, but with renewed determination by patriarchal forces to maintain and increase the subordination of women" (Walby, 1993, p. 79). She notes that although women are often blamed for the failures of feminism, this obscures the effects of backlash. Walby remarks on the characteristic backlash use of reversal strategies such as blaming feminism for women's problems. Although she does not use the term backlash, Mary Daly described rhetorical tactics used to maintain patriarchy including reversal, denial, false polarization and erasure (1978). Elsewhere, Dragiewicz has applied Daly's typology to the backlash against efforts to address campus rape (2000).

Abby Ferber argues that backlash strategies have moved from blatantly discriminatory laws to more subtle efforts that appropriate liberal equality language and advocate "blindness" of important cultural categories like race and gender (2007). This push for formal equality in the context of ongoing material inequality seeks to stop or reverse challenges to established hierarchies of power and status by denying the existence of significant inequalities between groups. Ann Cudd argues that individualizing inequality obscures the nature of oppression, which affects individuals as members of groups that experience invidious discrimination (2002). The context of group-based oppression and privilege is essential to understanding how demands that we ignore existing inequalities feed backlash. Cudd writes, "that progress harms some identifiable group that previously enjoyed an unjustified advantage, sows the seeds of backlash" (2002, p. 8).

Some feminists object to the use of the term backlash on the grounds that it "centres our energy in the motion of those who oppose and resist our efforts, rather than in our own forward motion, and it tends to reinforce the idea that we are victims of forces disconnected from our own energy" (Newson, 1991, p. 93). Although I disagree with her assessment of the connotations of the term, which I find to be useful and important, I agree with Janice Newson's argument that it is important not to view manifestations of backlash as somehow separate from what are in actuality variations of mainstream ideas about women. Violence in response to feminist threats is often portrayed as marginal, aberrant, and extremist. However, as Newson points out, the men engaging in such violence refer to hegemonic values and beliefs in explaining their behavior, often positioning themselves as rational and fair (1991).

Alberto Godenzi writes, "Given that most people live in genderized societies, every man reacts to challenges of the existing order of the sexes" (1999 p. 385). Efforts to end violence against women challenge patriarchy by authorizing woman-centered

or feminist stories about men's violence against women. These stories disrupt powerful cultural norms that simultaneously proclaim that you shouldn't "hit a girl"; explain that you shouldn't need to anyway, because men should already be in control of the women in their lives; and provide a vocabulary of adjustment that delimits when it is all right or even necessary to use violence against women (Greenblat, 1985). Although these norms appear contradictory, taken together they demonstrate the patriarchal presumption that underlies men's violence against female intimate partners. As we will see, FR groups work to reinforce that presumption.

## **The Violence Against Women Act**

The Violence Against Women Act first passed in 1994, establishing federal funding for prevention and intervention programs targeting rape and battering, and articulating a national position statement on the criminality of violence against women. VAWA was reauthorized and expanded in 2000 and again in 2005. Each time the legislation passed out of the Senate by unanimous consent. The programs supported by VAWA include: a national domestic violence hotline; funding for shelters and other direct services; provision for the training of police officers, judges, health care providers, and immigration officers; reporting requirements for schools and police; witness protection for some victims; efforts to raise awareness of stalking, immigration provisions, and other programs and services.

The passage and repeated reauthorization of this broad-ranging legislation signal the visibility that domestic violence and other forms of violence against women have attained in American culture in recent years. The overwhelming popular support that VAWA has received means that despite symbolic gestures of disapproval, like attempts by members of Congress to attach unpassable amendments known as "poison pills" to the legislation (American Civil Liberties Union, 2005), and President Bush's appointment of anti-VAWA activists to the National Advisory Committee responsible for overseeing its implementation (Family Violence Prevention Fund, 2002), public support is too strong for VAWA to be directly attacked. Never before have elected officials demonstrated such enthusiasm for a bill that foregrounds women's needs and interests. In contrast with the earlier reluctance of the state to become involved in what were considered private family matters, VAWA actively encourages state intervention into battering, including promoting arrest and prosecution of offenders and providing public resources targeted to female survivors of violence.

The American Violence Against Women Act was not just about women, however. American demand that politicians be tough on crime paved the way for the passage of the Act. Although many antiviolence advocates had worked hard to ensure that laws against assault and rape were enforced, even if the victim was married to the perpetrator, and violence against wives was treated as a real crime, feminist approaches



to violence broadly emphasize the need for social change to prevent it. Despite FR protests to the contrary, VAWA focused primarily on law enforcement and emergency services, not on answering the calls for systemic change made by feminists. Indeed the original version of VAWA was part of an omnibus crime bill, and later versions are also combined with other law-and-order initiatives like the Victims of Trafficking and Violence Protection Act (2000).

Feminist scholars and others have articulated serious concerns about an overreliance on criminal justice responses to battering and the unintended consequences of policy changes designed to push police officers to enforce the law (Buzawa & Buzawa, 1996; DeKeseredy & Dragiewicz, 2007). These critiques include the pervasive racism and homophobia of the criminal justice system; the focus on criminal justice responses to violence rather than the promotion of cultural change; and the unintended outcomes of police policies that encourage arrest, such as dual arrests and the assignment of battered women who fought back to batterer groups (Buzawa & Buzawa, 1996; Miller, 2001; Osthoff, 2002; Zorza, 1994). Nonetheless, police are one of the most widely used resources cited by survivors of violence (Buchbinder & Eisikovits, 2004; Gordon, 1996). The other services funded by VAWA are also heavily utilized, with both well-documented successes (Farmer & Tiefenthaler, 2003) and continuing unmet demand for shelter, legal support, and other resources (Iyengar & Sabik, 2006). Given the wide-ranging support and demand for initiatives that target gendered forms of violence such as battering, rape, and stalking, those who oppose efforts to address violence as gendered need to find ways to make their opposition more socially acceptable.

### **Fathers' Rights Attacks Against VAWA**

Fathers' rights groups emerged as a result of changes in family demographics and law. As divorce became more common, as child support payments began to be more strictly enforced (Scoon-Rogers & Lester, 1995), and as abusive men began to be penalized for violent behavior, groups coalesced to mitigate and reverse the impact of these changes (Bertoia & Drakich, 1993; Boyd, 2006; Collier & Sheldon, 2006; Rosen, Dragiewicz, & Gibbs, 2007). Drawing upon rhetoric from other movements for social change, notably liberal feminism, FR groups attack feminism as the cause of their individual problems and present themselves as correcting its excesses (Crowley, 2006; Smart, 2006). FR groups are a key location where resistance to gender-sensitive antiviolence policies like VAWA is propagated. My review of FR Web sites on VAWA identified three primary themes: calls for formal equality, calls for the reassertion of patriarchy, and objections to women's authority.

Although they may self-identify as concerned with fathers' rights, domestic violence, or "shared parenting," FR groups are more accurately identified by what they do rather than what they say because research finds a disjuncture between the stated

goals of the groups and the activities in which they engage (Bertoia, 1996; Bertoia & Drakich, 1993; Boyd, 2006; Drakich, 1989; Fineman, 1995; Kaye & Tolmie, 1998). In their quantitative content analysis of American FR groups' Web sites, Rosen et al. (2007) identify three foci that characterize the most common lobbying activities of FR groups: representing domestic violence allegations as false; promoting presumptive joint custody/decreasing child support; and portraying women as equally violent to men. These three areas relate to the themes that I identified in my search of anti-VAWA sites. The characterization of women's reports of violence as false calls women's authority into question. Portraying women as equally violent to men supports calls for formal equality. Demands for joint custody advocate the maintenance of patriarchal families even after divorce.

### **Calls for Formal Equality**

Fathers' rights groups often couch their lobbying in terms of seeking formal equality. The groups argue that language, policy, and funding should be blind to sex and gender differences in women's and men's violence against intimates. They suggest that this formal equality is in the interest of justice and fairness. An example of this kind of claim is:

Throughout the Act and in all revisions to the Act, the term, men, be added when women are specifically named as victims to reflect the legislative intent. The legislative intent could be significantly strengthened by legislation renaming the act: *The Family Violence and Sexual Assault Act*. The language of all federal grant applications should specifically name men victims as equal recipients of in-kind services when women victims are specifically named. (Safe4all, 2005)

Although FR groups suggest that their interest is in being inclusive and affirming the "legislative intent" of VAWA, the demand for language that obfuscates sex and gender differences ignores the reasons why it was necessary to pass a specific law targeting violence against women in the first place.

The American Violence Against Women Act was passed in part because the existing "gender neutral" laws were not being enforced equitably in the context of the patriarchal subordination of women. Police failure to respond to men's violence against female intimate partners was pervasive prior to VAWA. Research found that police nonresponse was due to attitudes about domestic violence as a family matter, the lack of credibility afforded women by police, and victim-blaming attitudes (Blackwell & Vaughan, 2003). Women harmed by police nonresponse often had no legal recourse to remedy police failure to enforce laws against assault when it was husbands beating, kicking, and strangling their wives (Blackwell & Vaughan, 2003). One part of the legislative intent of VAWA was to rectify this discriminatory treatment directed at women.

The American Violence Against Women Act was also passed in part because of the need for shelter and other services for battered women. Due to a combination of structural and cultural factors (including but not limited to patriarchal gender norms; the wage gap; women's primary responsibility for child care; women's disproportionate risk of homicide, rape, and other forms of violence following separation from male intimates; and the fact that many abusers prevent their partner from working or isolate her from friends and family), women are more likely to require emergency housing in order to leave an abusive relationship. In this one example, we can see that calls for formal equality around VAWA serve to undermine it rather than enhance its legislative intent.

### **Calls for the Reassertion of Patriarchy**

The need to reaffirm patriarchy is the second theme of FR discourse on VAWA. FR groups simultaneously deny the existence of social patriarchy and assert the necessity of familial patriarchy. An example of this is, "Now, 34% of American children live away from their biological father, placing these children at higher risk for a broad range of social pathologies, including academic difficulties, conduct issues, and involvement with the criminal justice system" (Respecting Accuracy in Domestic Abuse Reporting, 2007). Stephen Baskerville, a professor who is president of the American Coalition for Fathers and Children, put it this way, "It is impossible to underestimate the stakes involved here. I have no doubt that we stand almost alone as the true defenders of the family and of the freedoms that are the heritage of Western civilization" (Baskerville, 2007).

Early feminist writings theorizing violence against women and patriarchy are some of the most frequent targets of antifeminists, who refer to them as "tirades of hate" (Schlafly, 2005a). Such objections are continued in resistance to contemporary efforts to reduce violence against women. The Violence Against Women Act is one of the most conspicuous targets of the backlash against gender-sensitive policy responses to women's victimization. Phyllis Schlafly writes, "The groundwork for the Violence Against Women Act (VAWA) was laid by Gloria Steinem's nonsense, such as 'The patriarchy requires violence or the subliminal threat of violence in order to maintain itself'" (2005a). This is not the first place that we have seen organized and virulent opposition to efforts to end violence against women. In the late 1990s the United States pushed back against the emergent research on rape and other forms of sexual violence and the resulting efforts at prevention, especially on campus (Dragiewicz, 2000; Schwartz & DeKeseredy, 1997).

A variety of antifeminist voices have engaged in fearmongering about how allowing women to divorce will result in the destruction of the family, lesbianism, promiscuity, drug use, and emasculation of men. Stephen Baskerville writes, "Virtually every major personal and social pathology can be traced to fatherlessness more than to any other single factor: violent crime, substance abuse, unwed pregnancy, truancy, suicide,

and more. Fatherlessness far surpasses both poverty and race as a predictor of social deviance" (Baskerville, 2003).

FR activist Richard Doyle writes, "Prime purposes of feminism are to establish a lesbian socialist republic and to dismantle the family unit" (1995). FR groups have used these same fears to attack VAWA. The American Coalition for Fathers and Children (ACFC) writes that "First and foremost, this bill is highly destructive to American families. It facilitates family dissolution and increases the number of fatherless children, . . . subsidizes family destruction[, and] . . . blurs the distinction between violent crime and non-violent personal conflict" (American Coalition for Fathers and Children, 2005). The group claims:

It is well established that most domestic violence occurs outside of marriage or after its breakup and that a married household is the safest environment for women and children. By encouraging marital breakup, this legislation may exacerbate the problem it ostensibly exists to solve. At a time when governments are spending money to combat "Fatherless America," we should not simultaneously fund programs that create the very problem that elsewhere we are trying to solve. (American Coalition for Fathers and Children, 2005)

This explanation is an example of reversal. Rather than recognizing divorce as often an outcome of abuse, ACFC claims that the divorce is the cause of the abuse.

The threat of the destruction of civilization due to women's liberation has been trotted out at every stage of women's struggle for rights, from the vote to equal pay (Franzen & Ethiel, 1998), indicating the continued currency and potency of patriarchal gender norms. Although FR groups insist that domestic violence is not about patriarchy or gender, their own emphasis on the need to reinforce fatherhood establishes the centrality of patriarchy to their ideas about family and civilization. Fathers' rights groups argue both that fathers are essential to the well-being of individual children and that the maintenance of patriarchal families is extremely important to the maintenance of civilization.

Many FR Web sites posit that VAWA's gender sensitivity both causes and results from the oppression of men. This sentiment is summed up in a comment by a leading FR commentator:

Last week, the U.S. Senate approved reauthorization of the Violence Against Women Act (led by Senator Joe Biden of Delaware), amidst a hail of public criticism of the program. A substantial collection of mainstream organizations and scientists oppose VAWA for one basic reason: it funds sexism, not prevention of domestic violence. (Usher, 2005)

Usher explains VAWA's emphasis on female victims as discrimination, given his and other FR insistence that women are as violent as or more violent than men. Contrary to FR claims, scores of articles demonstrate the nature of sex differences

in lethal and non-lethal intimate partner violence (Bureau of Justice Statistics, 2000a, 2000b; National Resource Center on Domestic Violence, 1998; Tjaden & Thoennes, 2000). For readers unfamiliar with the literature, Michael Kimmel's review is a good place to start (Kimmel, 2002).

Women's ability to leave men results in men's losing "power and control over parts of their life—usually their fatherhood or their standard of living—and the lives of their former spouses and children" (Bertoia & Drakich, 1993, p. 611). Some men perceive their loss of control as "sexism" precisely because they are accustomed to patriarchal power relations within their families. Although their power and privilege were invisible to them while they had it, because patriarchal relations are still the unremarkable norm, many FR activists experience their absence as discrimination. They express this in no uncertain terms: "One thing divorce teaches a man is that women have real legal power, power backed up by the power of the state itself. A divorced woman's problems are the state's problems; a divorced man's problems are his problems" (Robbins, 2006). Bertoia and Drakich comment on the type of family relations FR groups work to protect in their research on FR group activity:

The rich ethnographic data, here provided by fathers' rightists, reflect their perspectives on the fatherhood role after divorce. This role, as typified by these fathers, is one that contradicts the fathers' rightists' public depiction of fathers as participatory dads and coparents to their children. Indeed, fathers want to play a role in their children's lives; but for most, that role is merely a continuation of their predivorce role of the traditional father who exercises his power and control. (Bertoia & Drakich, 1993, p. 613)

Given what we know about FR groups and their members, we might assess that the problem is that "full control" to define the terms of relationships and abuse has been removed from men.

It is also important to note that men as well as women receive services funded by VAWA. One FR group even cites an attempt by U.S. Senator Orrin Hatch to explain this to critics who insist that it excludes men: "The Act defines such key terms as 'domestic violence' and 'sexual assault,' which are used to determine eligibility under several of the grant programs, including the largest, the STOP grant program, in gender-neutral language" (Respecting Accuracy in Domestic Abuse Reporting, 2006a). Given the clarity of the law itself on this matter, supplemented by explanations like this, it is evident that objections to the law are not necessarily about its exclusion of one sex. Instead of centering on the exclusion of one sex, I argue that FR complaints about VAWA center on the approbation of women's authority that underpins the criminalization of intimate partner violence.

### **Objections to Women's Authority**

The third theme in FR attacks against VAWA is objection to women's authority. An example of this is the repetition of fears that "'domestic violence' becomes

whatever the woman says it is” (Schlafly, 2005b). In their efforts to reassert their prerogative, FR activists appeal to the police, the courts and other (mostly male) authorities. Like many batterers, they may initially presume these authorities will side with them (Buchbinder & Eisikovits, 2004). They may, but VAWA has helped to create conditions in which it is increasingly likely that authorities will assess both parties’ accounts, and rule based on evidence rather than sex. This loss of privilege is unbearable for some men. FR activists use it to justify men’s violence in cases where they cannot win the divorce. Comments like, “Maybe Darren Mack is a bad man *because* of the system” (Angry Harry, 2006), and “People don’t often get violently angry if they believe they were treated fairly and without bias” (Lafferty, 2006), reveal ideas about the causes of violence that put it beyond men’s control. Many batterers share similar beliefs. Externalization of responsibility is perhaps the most common excuse that men use to explain their violence (Adams, 1989; Anderson & Umberson, 2001; Cavanagh, Dobash, Dobash, & Lewis, 2001; Eisikovits, Goldblatt, & Winstok, 1999; Ptacek, 1988).

A related complaint is that “judges saddle fathers with restraining orders on the wife’s say-so without any investigation as to whether it is true or false” (Schlafly, 2005b). Orders for protection are a key target of FR groups’ complaints about women’s authority. Although equally available to women and men, women are more likely to be victimized by a partner who uses a combination of controlling and violent tactics to harm and control her (M. P. Johnson & Ferraro, 2000). Given the gendered nature of coercive control and battering, sex differences in who seeks orders for protection against intimate partners are not surprising. There is no evidence that sex differences in the numbers of orders for protection granted to women and men result from sex discrimination. FR groups seem especially affronted that petitions for orders of protection include references to threatening and abusive behavior commonly used by male batterers, such as threats to harm a woman or her children, and that the judge may consider these factors as relevant to women’s safety.

Common FR objections to protective orders minimize the violence and abuse leading to petitions for protective orders. “There was not even an allegation of physical assault. Rather, the wife accused her husband of ‘harassment’ and ‘interference with personal liberty.’ . . . Both allegations are subjective and vague” (Respecting Accuracy in Domestic Abuse Reporting, 2006b). Statements like this distinguish between what FR groups consider to be real violence, which must meet their standards for visible injury and proof, and women’s subjective experiences.

Fathers’ rights groups often complain that laws against domestic violence are too broad. “In Massachusetts, the legal definition of ‘abuse’ includes ‘placing another in fear of imminent serious physical harm.’ But judges seldom request any objective proof of ‘fear’ or ‘serious imminent harm,’ so requests are routinely granted” (Respecting Accuracy in Domestic Abuse Reporting, 2006b). This comment reveals that it is not the law’s broadness to which FR groups object. Rather, it is the fact that women’s reports of threats and fear may be deemed credible. “There doesn’t need to

be much evidence since the judge only needs to ‘believe’ the abused person’s story . . . that they are being abused, have been abused, or are in fear of their ongoing safety” (Dadslaw Inc., 2007).

At the same time, FR groups reveal an understanding that orders for protection are established in an effort to prevent additional violence from taking place. Their Web sites repeatedly lament that judges grant orders for protection to decrease the risk of serious violence, including homicide. “Most judges are afraid that if they do not grant the order, they will be left holding the bag if tragedy happens” (Malenfant, 2001). Some FRs claim that “the Simpson case pushed the domestic violence system way out of balance, stacking it unfairly against men” (Leving & Sacks, 2006). They demur that “in the wake of the Simpson case it became politically difficult for judges to deny” orders for protection (Leving & Sacks, 2006). If orders for protection are difficult to deny in cases of domestic violence, it is due to the real risk of lethal violence to women (and children) at separation and divorce, a risk that does not approach the same significance for men (Bureau of Justice Statistics, 2000b; DeKeseredy et al., 2006; Hardesty, 2002; Websdale, 1999).

### **FR Themes: Child Custody, Child Support, and Domestic Violence**

At first glance, the three themes of FR objection to VAWA might seem unrelated, but they are intertwined. The connections between domestic violence, child custody, and child support are not self-evident. Because the amount of child support ordered is often linked to the percentage of time children spend in the care of each parent, factors that affect custody determinations also affect the amount of child support paid.

A large majority of custody decisions are uncontested. Although research is limited, the largest study conducted in California indicates that custody most often goes to the mother (almost 80% of cases) because that is the uncontested request to the court (Maccoby & Mnookin, 1992, p. 103; Meier, 2006). Maccoby and Mnookin point out that “there were more than ten times as many cases where the uncontested request was mother physical custody rather than father physical custody” (1992, p. 103). Presumably, this accounts for a considerable amount of the sex asymmetry in custody arrangements.

The most highly contested custody cases are much more likely to include allegations of abuse, but women are no more likely than men to make unsubstantiated allegations of abuse (Johnston, Lee, Olesen, & Walters, 2005; Meier, 2005). In addition, Johnston and colleagues found that “in custody disputes parents are not more prone to make unfounded complaints compared to the broader population” (2005, p. 290). Johnston and colleagues caution that reports of abuse and neglect at divorce should not be “dismissed as merely indicators of a highly conflicted divorce” (2005, p. 291). The research on this area is still sparse, however. What seems clear is that claims that women’s reports of abuse at divorce are commonly false allegations, and claims that

court credulity about allegations of abuse result in bias against men in the courts, are not supported by the available research.

Domestic violence and history of care of the children are both factors that states consider in determinations of custody (National Council of Juvenile and Family Court Judges, 2007). In states where these factors are weighed heavily, men who have histories of violence or histories of limited involvement with child care may end up being awarded less time with their children and therefore paying more child support than men who do not. Across the board, men are more likely than women to be ordered to pay child support because of their greater income (United States Census Bureau, 1995). These are compelling financial reasons for FR groups to fight for formal equality. By insisting that intimate partner violence and child care should be presumed symmetrical, FR activists may be able to increase men's custodial rights and decrease their child support payments.

Legislation mandating presumptive joint custody, which FR groups call "shared parenting," is a way to circumvent or drastically limit the consideration of domestic violence and history of care in court-facilitated custody determinations. When evidence of domestic violence is considered by the court, custody determinations may limit custodial parents' and children's contact with an abuser. In heterosexual relationships, women are much more likely than men to be battered (Bureau of Justice Statistics, 2000a; National Resource Center on Domestic Violence, 1998), so this factor disproportionately affects the amount of custody and child support ordered for men. There is no evidence that this lack of proportionality is due to invidious discrimination rather than to the material realities of women's and men's lives.

Fathers' rights groups object to the consideration of histories of violence at custody determination by claiming that women are just as violent as men, and insisting that what looks like evidence of men's greater violence (police reports, arrests, convictions, protective orders, injuries) is due to false allegations. However, as I mentioned above, claims about high numbers of false allegations have not been substantiated (Johnston et al., 2005; Thoennes & Tjaden, 1990). In addition, studies of intimate partner violence and homicide highlight women's disproportionate risk of injury and death (Bureau of Justice Statistics, 2000a; O'Dell, 1996; Websdale, 1999). Studies that FR groups cite to support their claims that women are as violent as men, like Archer's meta-analysis (2000), omit homicide, rape, stalking, and familicide, all of which are often part of domestic violence and display marked sex differences (Kimmel, 2002; White, Smith, Koss, & Figueredo, 2000). The studies that FR groups ignore also show marked sex and gender differences in the perpetration, motives, and outcomes of violence between intimate partners (DeKeseredy & Kelly, 1993; DeKeseredy & Schwartz, 1998; Kimmel, 2002; Saunders, 2002).

"Friendly parent" policies may also limit the consideration of histories of violence and abuse, although this is not their intent. These policies reward the parent who is most likely to facilitate contact with the other parent with a greater percentage of time with the children, which can also result in lower child support payments. In



cases where there is a history of violence, non-violent parents may be less likely to welcome contact for safety reasons. In a climate where parents' "friendliness" is assessed in terms of their willingness to support 50/50 custody rather than their interest in preventing exposure to additional violence, victims of abuse may lose custody of their children to their abuser, or be penalized for seeking to ensure their own safety (Johnson, Saccuzzo, & Koen, 2005; Zorza, 2007). Attempts to legislate "shared parenting" at divorce thus ignore the consequences of a lack of actual shared and friendly parenting prior to divorce (Boyd, 2003). These examples provide a glimpse into the nature of FR resistance to gender sensitivity. The recognition of men's greater violence has real effects on the amount of child support men pay if abusers are less likely to receive custody. Demands for formal equality in the form of the erasure of sex and gender differences in domestic violence and the promotion of presumptive joint custody effectively erase persistent differences in the experiences of women and men during marriage and at divorce.

## Conclusion

Despite the repetition of FR pronouncements that domestic violence is not about patriarchy, sex, or gender, FR discourse on VAWA reveals the centrality of patriarchy, sex, and gender to their efforts. My analysis of FR discourse about VAWA found calls for formal equality, calls for the reassertion of patriarchy, and objections to women's authority to be central. The intensification of anti-VAWA rhetoric in the form of calls for "fathers' rights" not only fails to challenge feminist research and theorizing on violence, but also points to the centrality of the relationship between patriarchy and men's violence against women. FR emphasis on reasserting patriarchy is paradigmatic of backlash, but FR groups are not just talking to themselves. Many complicated connections exist to mainstream fatherhood and marriage promotion initiatives and liberal and conservative politics that are yet to be investigated. The use of FR Web sites as places for like-minded men to seek out and receive peer support for violence-supportive attitudes is a serious concern for those interested in decreasing domestic violence, especially when we recognize their similarity to batterer accounts. The compatibility of FR commentary on VAWA with patriarchal peer support for violence against women should not go unnoticed.

This inquiry has limitations inherent to a discourse analysis of FR Web sites on VAWA. As a qualitative study, it is not representative of the total number of themes or the frequency with which they are found in all FR attacks on VAWA. Rather, this is an exploratory study that categorizes many different claims according to important themes. The sources that I cite here represent commentaries and arguments that are posted over and over again on many FR Web sites, and there is a great deal of continuity between the sites, but we cannot know about the reception of these claims from looking at Web postings alone. Additional studies that look at a larger number

of sites using quantitative approaches would help to develop our understanding of this field. Additional work is needed to investigate more fully the relationships between the different sites, including cross-membership, and the funding relationships between FR and other groups across the political spectrum. Research that combines analysis of Web sites with materials made available to members but not posted online, and studies that compare FR group activities with their Web presence are still needed.

The good news is that the escalation of fathers' rights rhetoric and other forms of backlash indicate that feminism is hitting a nerve in its criticism of patriarchy. The following quotation exemplifies the extent to which members of FR groups perceive that feminism has resulted in substantive changes for women and men:

[W]hen I lived in Democrat-ruled San Francisco, and was accused by my estranged wife of domestic violence, the ideological Feminist/leftist/democrats were in control of Family Court Services, the Criminal Courts, the prosecutors office, Social Services, and all the attendant government-funded NGOs whose purpose was to brutally and methodically separate fathers from their children. This was a world of purchased justice, wherein the Feminist Left were the rulers, and any man accused—regardless of his political affiliations (and I was at that time a Democrat)—was an instant enemy in the eyes of the State Apparatus. (LaSalle, 2007)

There is plenty of room for further research and advocacy against violence, and it is important to remember that multiple forms of violence, not just men's violence against women, are shaped by gender. We need to understand the tactics of backlash and how they work in order to advance efforts to protect victims of abuse and decrease the occurrence of violence. Because of their preoccupation with issues related to battering and their bountiful Web presence, FR groups provide a plethora of opportunities for studying the specific dynamics of backlash against perceived feminist gains related to violence policy.

I understand that many scholars have been slow to respond to FR rhetoric for a variety of reasons, but it is important to recognize that FR groups' organization around violence against women is having a negative impact on battered women and their children. Survivors, service providers, and attorneys report the adverse impact of FR activism (Booth vs. Hvass, 2002; Jaffe & Crooks, 2004; Kaufman & Davis, 2006; Morrill, Dai, Dunn, Sung, & Smith, 2006; Rosen & O'Sullivan, 2005; Waits, 2003). Battered women's organizations note that battered women have problems with abusers receiving custody at divorce (Varcoe & Irwin, 2004). FR group members have also sued shelters and other domestic violence service providers (Blumhorst v. Jewish Family Services of Los Angeles, 2005; Booth v. Hvass, 2002). Despite their lack of success, such lawsuits are a waste of time and money for agencies that are already unable to fully meet demand for services (California Women's Law Center, 2003). Rather than seeing FR groups as marginal, we need to understand the relationships between their cause and the other efforts that allow them some measure of influence. Finally, FR groups' literal and figurative emphasis on

patriarchy provides ample opportunities for theorizing its relationship to masculinity and violence that are increasingly important in an era of federally funded fatherhood and marriage promotion initiatives.

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