

# **PERSPECTIVES ON FATHERING**

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## INTRODUCTION

This collection of papers presents a range of perspectives and viewpoints on fathers, the part they play in raising children, and the policy issues that affect them. Major issues are the challenges and barriers faced by some New Zealand fathers in being positive and involved parents, and the recognition that many fathers are, in fact, taking on new roles in parenting. We hope this collection will help by stimulating further debate.

We wish to pay particular tribute to Laurie O'Reilly who raised the profile of fathers and children while Commissioner of Children from September 1994 to January 1998. Laurie was committed to helping children and believed strongly in the importance of fathering. It is largely due to his efforts that the Fathering the Future project came into being in 1997, resulting in a Forum in Christchurch in March 1998 and another in Auckland in September 1998. The papers from other contributors to this collection were written or have evolved from work done for those fora, or were prepared for the Wellington forum and the associated Social Policy Forum in April 1999. We are grateful to Laurie's widow, Kay O'Reilly, who provided us with a paper that he wrote, *"Advocacy on Behalf of Children"*, for inclusion in this collection.

There are many perspectives that can be taken when considering the role and importance of fathers. We have deliberately attempted to present a mix of views on the basis that there is no single, definitive formula to be applied. Wise policymaking and implementation can only come from an awareness of the complexity of the issues, a critical evaluation of the arguments and supporting evidence, and a synthesis of the substantiated interpretations.

Laurie's paper addresses the importance of good fathering. The papers by Ian Pool and Sarah Hillcoat-Nallétamby, and Paul Callister present a broad overview and identify trends in family structure and father involvement. Rex McCann, Warwick Pudney and Harald Breiding-Buss consider a range of perspectives on the role of fathers. Pam Hutton and Trudy McNaughton address the issue of "family-friendly" workplaces, and Keith Rankin considers the part played by tax and welfare policies. Felicity Goodyear-Smith looks at the sensitive area of child maltreatment. Mark Henaghan's paper focuses on the processes of Family Court, proposing an alternative approach which might provide speedier and more consistent resolution of disputes. Stuart Birks then looks at some of the less supportive attitudes towards fathers that are sometimes observed.

Inevitably, this collection of papers is incomplete. Not only are ideas and circumstances always changing, but it takes time for an understanding of the issues to develop. There are many policy areas which impact on fathers, not only the direct ones of family law, custody, child support and domestic violence, but also policies about taxation and benefits, education, and the workplace. If we are to look in detail at policies and their implications, appropriate background information is needed.

Research on fathers, particularly New Zealand research, is only in its infancy. More research is needed, using a variety of methodologies including the exploration of both quantitative and qualitative data sources. Such research also needs to draw on a range of research disciplines. In our opinion, more investigation is needed in such areas as: the part played by fathers in the past and the contribution that fathers can and/or do make now; the different parenting needs of children as they grow and mature; the changing nature of the family; the significance of and pressures on the extended family; people's self-perception and their need to have relationships with both their parents; parenting when parents live apart; parental alienation; the importance of parenting relationships with adult children; and the role of men in the community.

Given the increasing interest in these issues, research is likely to be undertaken in these areas. This collection will then be a small part of a growing body of relevant literature.

Stuart Birks and Paul Callister  
April 1999

## Chapter One

### ADVOCACY ON BEHALF OF CHILDREN

Address by Laurie O'Reilly, Commissioner for Children  
Annual General Meeting of Anglican Care, Christchurch 14 October 1997

#### INTRODUCTION

It is my intention in this address to highlight the importance of advocacy on behalf of children and young people. As the statutory advocate for children I have the responsibility of promoting and protecting children's rights. Legal rights are not abstract rights: they exist to meet the needs of children. Underpinning my approach to children's rights is the belief that there is huge potential for adults to advocate on behalf of children and young persons. Hence, much of my work with community and professional groups is to promote a child-centred advocacy role. Effective advocacy requires those who take up such a challenge to take a broad perspective of needs, to see behaviour in the broader context of the child's total environment and to be proactive, ensuring that every child has the opportunity to reach his/her full potential as a human being.

I also wish to address the issue of Fatherless Families.

It is not my intention in this address to postulate *fatherlessness* as the downfall of society, in order to promote fatherhood as a positive concept or to promote the notion that children are better off in a two-parent family.

There is some evidence that marriage, may in fact, be safer for children and mothers. We can support and promote the intact nuclear family whilst acknowledging that it is not in society's interest to condemn parents or children to a violent relationship.

It also needs to be remembered that when a biological father is excluded from or leaves a family, the members of that family are often exposed to and involved with other men e.g. stepfathers, or other surrogate fathers, who place women and children at risk.

I suggest that we need to address a range of attitudes that affect parenting by men. Some would suggest a good starting point would be to address relationships and the perceived emotional illiteracy of New Zealand males. Certainly promoting an ethic of committed relationships and responsible parenthood would be a start.

We need to remember that many men live in the family home but may be emotionally absent or unavailable to their children.

I wish to comment on some particular issues to do with fatherhood. I am optimistic that with goodwill and collaboration we can achieve much better parenting by fathers; that should help fathers and mothers, but more importantly, children.

## **ADVOCACY**

It is timely to reflect on the concept of advocacy and our approach to advocacy on behalf of children and young persons.

In much of my work I am guided by the United Nations Convention on the Rights of the Child 1989 which was ratified by New Zealand in 1993. The Convention should inform and guide policy, planning and practice. It provides a conceptual or philosophical framework on which all advocacy for children can be based. Rights can be classified in various ways

1. Affirmative rights eg freedom to express an opinion, freedom of association, privacy
2. Entitlements eg rights to education and health, rights of disabled children, rights of ethnic minorities
3. Protections eg right to be protected from child abuse, neglect or from harmful media

The United Nations Committee on the Rights of the Child reported on the NZ situation in January of this year. The Committee expressed concern that in NZ the approach to the Rights of the Child appear to be somewhat fragmented and that there is no global policy or plan of action which incorporates the principles and provisions of the Convention. The Committee noted with concern the insufficient measures adopted to ensure effective co-ordination between different governmental departments as well as between the central and local authorities. The Committee was concerned about the impact of economic reform on children and families, the vulnerable position of Maori as indicated by negative statistics, the high rate of youth suicide and the number of single parent families.

It is not possible for me to deal specifically with the Convention in this address, but I urge you to utilise this important advocacy tool.

"Advocacy" has been defined as an *act of pleading for, supporting or recommending; active espousal of a cause*. Commentators tend to identify three main forms of advocacy, namely, *self advocacy, citizen advocacy and legal advocacy*<sup>1</sup>.

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<sup>1</sup> See particularly: Bateman, N. (1995) *Advocacy Skills: A Handbook for Human Service Professionals*; Standing Committee on Social Issues (1996) *Inquiry Into Children's Advocacy*, Report No. 10, Parliament of New South Wales Legislative Council, September

The NSW Standing Committee on Social Issues classified *advocacy* as follows:

- *systemic advocacy*;
- *individual/representative advocacy*;
- *parental advocacy*;
- *self/peer advocacy*; and
- *citizen/voluntary advocacy*<sup>2</sup>.

Parents can often be a child's most powerful advocate.

The "*Inquiry into Children's Advocacy Report*" noted

*Advocacy for children is about systems and individuals recognising the rights and needs of all children and young people and responding to those rights and needs. It also involves allowing children and young people to have a say in decisions that are likely to affect them.*

*Children's advocacy is not about undermining the role of parents and families, nor is it about denying children the fact of childhood and their need for protection. It is about taking a proactive approach to ensure that all children have the opportunity to reach their full potential as human beings. As the Committee found during the Inquiry, parents can often be a child's most powerful advocate. Improving advocacy for children then, allows both children and parents greater access to the processes of government which directly affect children's daily lives.*<sup>3</sup>

The majority of complaints made to my Office are made by adults, usually parents, advocating on behalf of children and young persons. It is a concern to both myself and my Advocates that the Office is not appropriately resourced to regularly and fully involve young persons in the complaint process. Robert Ludbrook is currently addressing my Office's approach to the issue of "young persons participation" when they are involved in complaints, inquiries or projects with the Office. I need to acknowledge that the Office should have done much better in encouraging participation.

There is a real danger that adult advocates or advocacy services can make assumptions on behalf of their young clients and may fail, in particular, to hear the voice of the child or young person.

Increasingly, my Office is involved in *systemic* advocacy. In the new fiscal environment, gaps occur forcing professionals and agencies to argue for resources as well as for standards of practice. There is a danger that adult agendas will dominate in the advocacy process distracting from the focus on children's needs.

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<sup>2</sup> Standing Committee on Social Issues (1996) *Inquiry Into Children's Advocacy*, Report No. 10, Parliament of New South Wales Legislative Council, September, p.17

<sup>3</sup> Ibid, p vii.

By way of example I note that a number of unsuccessful litigants who complain about their experiences in the care and protection system or in custodial litigation become obsessed about the system itself and lose sight of the interests of the most vulnerable person in the process, namely the child. The child becomes the forgotten or unnoticed victim both in respect of the environment that gave rise to the initial cause for concern and the processes that flow from intervention.

The *Inquiry into Children's Advocacy Report* acknowledges many children and young people lack the knowledge or capacity to express themselves or to pursue complaints. The Report states:

*Children may at times find it hard to express themselves and may respond with anger and frustration. Complaints may not be sufficiently articulated to receive appropriate adult attention, and when children do assert their opinion they may be dismissed as being ungrateful or insolent.*<sup>4</sup>

Children and young people need access to advocacy at many different levels. They need the opportunity for self advocacy; they need quality individual advocates; they need opportunities and systems so their voice is heard, their views ascertained and taken into account. Such advocacy must always be child-centred and there must be a commitment to advance the individual needs and wishes of the child.

The United Nations Convention on the Rights of the Child 1989, "*recognises and finally acknowledges children as being fully fledged beneficiaries of human rights.*"<sup>5</sup>

Children are rights-holders but are not totally autonomous. Michael Freeman says:

*To respect a child's autonomy is to treat that child as a person, and as a rights-holder. It is clear that we can do so to a much greater extent than we have assumed hitherto. But it is also clear that the exercise of autonomy by a child can have a deleterious impact on that child's life chances...*

*If we are to make progress we have to recognise the moral integrity of children. We have to treat them as persons entitled to equal concern and respect, and entitled to have both their present autonomy recognised insofar as it exists and the capacity for future autonomy safeguarded....*

*In looking for a children's rights programme we must thus recognise the integrity of the child and his or her decision-making capacities but at*

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<sup>4</sup> Ibid p. 5-6

<sup>5</sup> Nigel Cantwell, "The Origins, Development and Significance of the United Nations Convention on the Rights of the Child", in Sharon Detrick (ed) *The United Nations Convention on the Rights of the Child: A Guide to the "Travaux Preparations"*, p 27



*the same time note the dangers of complete liberation. Too often writers of children's rights see rights in either/or terms. There is either salvation or liberation, nurturance or self determination. But to take children's rights more seriously requires us to take more seriously both the protection of children and recognition of the autonomy both actual and potential. Inevitably this imposes limitations of a child's autonomy.<sup>6</sup>*

Professor Woodhouse recognises the paradox of children's rights. On the one hand the term "children's rights" refers to a collective social claim to protection based on children's essential dependence. On the other hand "children's rights" can represent the individual child's claim to autonomy. She says:

*The tension between the two is inevitable since children must be dependent to grow into independence and children must become independent to function as autonomous citizens".<sup>7</sup>*

The United Nations Committee on the Rights of the Child believes that the principles contained in Articles 2, 3, 6 and 12 of the Convention have overarching importance in that they underlie all rights.<sup>8</sup>

I agree with Professor Woodhouse that the UN Convention provides an important benchmark when considering children's rights:

*The Convention creates a normative framework for considering children as dependent but evolving individuals; not automatic, and yet possessing rights; not articles of chaff but people whose care is entrusted to adults who are charged with acting in their best interests. Children are seen as individuals, belonging to and having claims upon families and larger communities. Most importantly for this discussion children's needs for continuity of relationships and for protection in the formation and preservation of their religious, cultural and family identity are articulated as children's rights and adults' responsibilities.<sup>9</sup>*

It is vital that we understand the co-parenting philosophy and theme quite **explicit in the Convention.**

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<sup>6</sup> Freeman, M. (1993) "Whither Children: Protection, Participation, Autonomy?" *Manitoba Law Journal* Vol 22, 319

<sup>7</sup> Woodhouse B. (1994) "Out of Children's Needs, Children's Rights: The Child's Voice in Defining the Family" *BYU Journal of Public Law*, Vol8, p331

<sup>8</sup> Black, M. (1994) *Monitoring the Rights of the Child*, Innocenti Global Seminar Summary Report, Florence: UNICEF International Child Development Centre

<sup>9</sup> Woodhouse op. cit. P.333

The Convention recognises the right of the child to a family environment without explicitly defining family environment. The Preamble and Articles place great stress on the importance of the family environment and the responsibilities of guardians and parents. (Consider Articles 3.2, 9, 14 and 18.)

The importance of parental guidance is explicit in Article 5, which recognises the State's duty to respect the rights and responsibilities of parents and the wider family, to provide guidance appropriate to the child's evolving capacities.

Article 5 provides:

*States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.*

In summary, it can be argued that the Convention is pro-family and pro-parent and supports the concept of shared parental responsibilities. It can be strongly argued also that parents and family members have a significant advocacy responsibility.

Pauline Tapp has recently warned:

*Our attitudes and official policy all too often reflect the ideas that children are not unique individuals who are capable of making a contribution to society, but 'human beings in waiting' who should be seen and not heard, pre-social objects of concern who are vulnerable, immature, in need of protection, the responsibility of their parents rather than valued members of society who are entitled to the support of society, nuisances who should know their place and have responsibilities but not rights. Such attitudes entwined with fiscal concern, influence the degree to which our society is prepared to accord children the rights they require to develop into fully autonomous adults in a democracy.<sup>10</sup>*

Pauline Tapp argues further that Articles 12 and 13 of the Convention entitle children:

*to be given the information and context they require to form and express their views on matters affecting them and to have the expression of their views made through their actions, their expression of emotion and their*

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<sup>10</sup> Tapp, P. "Are Children At Risk When They Are Denied Their Autonomy Rights?", Paper presented at Second Child and Family Policy Conference, 1997, in Children's Issues Centre (1998) "Enhancing Children's Potential: Minimising Risks and Maximising Resiliency", University of Otago, p 2

*words, considered seriously from their perspective and responded to sensitively and appropriately.*<sup>11</sup>

Tapp identifies a number of circumstances in which children are not listened to appropriately (e.g. children who are the victims of violence in the home or the school,) but she pays particular attention to children who endure family break, children who are the subject of family group conferences and children in care. She warns:

*That many children will continue to be placed at risk unless parents are given support and information so they can understand that children may feel unimportant, invisible, angry, frustrated and depressed if they do not respond to the child's communications positively and appropriately.*

*As a society we need to learn to empathise with children, to treat them as worthwhile, unique individuals who deserve to be listened to.*<sup>12</sup>

All of us have the opportunity to advocate on behalf of children and young persons. We need to seize opportunities when they present, but our enthusiasm and self-confidence in advocacy skills must not overlook the participatory and autonomy rights of children and young persons so clearly expressed in the Convention.

## **FAMILIES AND PARENTS**

Earlier this evening, I was a guest of the Family Courts Association and spoke at the launch of a new publication by a local social worker and custodial specialist, Trish Allen. Her very practical book is entitled *"You're Still Mum and Dad"*.

It is perhaps indicative of society that I am obliged to regularly access such books and reports as

*"Surviving the Breakup"*. (Wallerstein and Kelly)

*"Second Chances"* (Wallerstein and Blakeslee)

*"Dividing the Child"* (Macoby and Mnookin)

*"Access and Other Post-Separation Issues "* (Children's Issue Centre)

*"Family Law and the Rights of Children and Youth"* (NZ Law Society)

Perhaps, more pertinently, there is a wealth of research and literature emerging from the United States and the United Kingdom on the issue of Fatherless Families. Consider such text as

*"The Human Carnage of Fatherlessness and Life without Father"* (Popenoe)

*"Fatherlessness America - Confronting Our Most Urgent Social Problem"* (Blankerhorn)

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<sup>11</sup> Ibid p.4

<sup>12</sup> Ibid p.21

In my opinion, the issue of Fatherless Families, is the greatest social challenge facing New Zealanders today. It is no co-incidence that the negative consequences of Fatherlessness are manifest when they occur with those other evils of poverty and violence.

Although there is strong debate as to the causal link between father absence and particular outcomes, there is evidence that strongly suggests that father absence whether through divorce or other circumstance is associated with a number of negative outcomes for the family and for children. One of the difficulties is that a number of deprivations or victimization may overlap or be concurrent. Negative outcomes include, poverty, youth violence, substance abuse, adolescent child birth, increased risk of suicide, an increase risk of abuse of children.

Many fathers are confused about their parenting role, others are frightened and have strong feelings of inadequacy. Many lack parenting skills. Many shirk their parental responsibilities.

I have been a strong believer in the ecological perspective of human development. Many of you will be familiar with the work of Bronfenbrenner and Garbarino.<sup>13</sup> Bronfenbrenner talked about an irrational commitment to children - being crazy about children. He stresses the need for family support and he used the metaphor of a stool - the first leg of the stool is the person primarily cared for, the second leg is the primary carer and the third leg, those who care for the carers. May I suggest that we often fail to care for the carers.

In August of this year, the Governor General The Right Hon. Sir Michael Hardie Boys commented on statistics relating to de facto relationships, separation, ax-nuptial births, abortions, violence and sole parenthood. He said:

*These are distressing and depressing figures. If you accept the premise - and most people did until quite recently - if you accept that the family is the basic unit of society; that society's health depends on healthy family life; and that healthy family life is best assured by a loving permanent relationship between husband and wife, then there is something, plainly, that has gone dreadfully wrong in New Zealand society. It is no consolation whatsoever to know that other western societies are in a similar predicament.*

Sir Michael issued us with a timely challenge:

*You know, here in New Zealand, we have a real enigma. For this is a vigorous, innovative, vital society. We have great skills and enormous talent in every sphere of activity. And there is a vast amount of*

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<sup>13</sup> Bronfenbrenner, U. (1979) *The Ecology of Human Development*, Harvard University Press, Garbarino, J. (1982) *Children and Families: Their Social Environment*, Aldine Publishing Co: New York

*dedicated, loving service being done, usually quietly, and unsung. How is it then, that we have let the traditional values of home and family slip so badly? How is it that so many fathers abandon their families, or take little interest in them, or fail to see how essential it is that they share in the nurturing of their children?*

*These are fundamental questions that should be troubling the souls of all conscientious New Zealanders. As a society, we need to address them urgently.<sup>14</sup>*

## **FATHERS WHO CARE: PARTNERS IN PARENTING**

Over the last two years I have promoted, through my Office a project, *Fathers Who Care; Partners in Parenting*. The project was formally launched in June of this year; with support from "The Save the Children Fund". Already there has been a survey of parenting programmes available to fathers. Preliminary analysis of the data would indicate the issue of fatherhood receives little specific attention in parenting programmes and paternal participation in programmes is generally low.

The project team has planned a number of steps to advance the Project.

The first step is to identify perceptions and beliefs about fathering and to identify what inhibits or facilitates a parenting role by fathers. The second step is to better identify societal attitudes to fatherhood. The next step is to provide resource material for communities and agencies to upskill and support fathers in a positive parenting role.

The project will involve interviews with groups of adults and children and interviews with key informants from interested groups. These initiatives will be followed by a national survey. Resource material will then be developed from the findings of the research and consultative process. Following this research there should be a clearer understanding of what it means to be a father in New Zealand.

We envisage that the Project will promote further research into parenting in New Zealand.

Research carried out by the National Centre for Fathering in America is interesting. A 1996 Gallup poll demonstrated that 79% agreed that fathering was a most significant family or social problem facing America. There was overwhelming agreement (90%) on the need for both parents with over 50% strongly agreeing with that premise.

We need research on the issue of the effects of divorce and separation. One problematic aspect of such research is that of causation. Did the conflict leading to divorce generate the ensuing problems or did the actual divorce and attending father absence create

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<sup>14</sup> Right Hon Sir Michael Hardie Boys, National Marriage Education Conference, Auckland 15 August 1997

them?<sup>15</sup>

As a society I suggest we need to urgently re-assess our attitude to marriage. For some time, social scientists have promoted the concept that divorce and fatherlessness are the better and more feasible options for children when there is serious disharmony in their families. It seems to me that research now points quite strongly to the view that the average child does worse not better after separation.<sup>16</sup>

Take abuse by surrogate fathers and stepfathers. We continue to legitimate family break-up at our peril.

Strong attachment and bonding between father and daughter may be a critical ingredient for preventing later child abuse.

We need to address the issue of violent behaviour on the part of men, first, because of the need of protection for vulnerable family members, but also because it negatively impacts on societal attitudes to parenting by fathers. Although women's gender roles have expanded over the past decade, in respect of workforce participation, there has been no corresponding expansion of men's traditional roles to include competent and committed child care.

I suggest the Project can be justified from three perspectives:

- enhanced child development
- an anti-violence initiative
- a gender equity initiative

The concept of a caring father - sensitive, nurturing and responsive - is fundamental, but equally important is the concept of shared parenting, and the idea of a real parenting partnership. In an ideal world parenting would be best undertaken by mothers and fathers, who are committed, competent and available to their children in a true partnership. If children are to achieve their full potential then we need to enhance the skills and capacities of all significant adults in their lives, particularly those of their parents.

I appreciate that the issues traversed in this address can promote or provoke strong responses. The issues are complex. The danger is that our responses and our approaches will be dominated by adult agendas. We must take a comprehensive view of children's needs. We should consider the total bundle of children's rights recognised in the UN Convention and in our domestic legislation and not restrict it to the right of protection only.

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<sup>15</sup> Popenoe, D. (1996). *The Human Carnage of Fatherlessness Life Without Father*. Free Press. New York p.59

<sup>16</sup> See McLanahan, S. and Sandefur, G. (1994) *"Growing Up with a Single Parent"* Cambridge, MA: Harvard University Press; See also Princeton Alumni Weekly, 1994, December 7 p.15

Remember the principle of the *First Call for Children* - children deserve the first call on our capacities and resources. It is in society's interest to apply those capacities and resources to positive parenting issues.

The issue of fatherless families, I suggest, is one of the most vital social issues facing New Zealand. It is our collective responsibility to respond. I am encouraged by the recent media interest on the issue of Fatherless Families. It is important in any effort to change societal attitudes that practitioners and social scientists provide balanced information for the media.

I wish to acknowledge the constructive media interest in the issue of Fatherhood. Over recent months the Christchurch "Press" has highlighted the issue and has published two editorials on the subject. Publications such as "The Listener" have addressed the issue. There was a compelling American production included in the "Assignment" TV programme and I am aware "60 Minutes" will televise a programme in late November.

The Christchurch City Council, as part of its youth strategy and broader social responsibility, is taking up the issue and will organise in collaboration with my Office, a national forum - "Fathering the Future".

It is my plea to you, to all religious denominations, to church based agencies and to community agencies - please see initiatives to support positive parenting, to support fatherhood and to support the family as advocacy on behalf of children. It is in the interest of society to take a childcentred approach to advocacy. Children benefit, but in the long run, so do adults. The Fathers Who Care project will benefit fathers, it will benefit mothers, but more importantly, it will, benefit children.

May I congratulate the Social Service Council of the Diocese of Christchurch. For many years, I have admired the work of Anglican Care. In particular, I have a long association with the Christchurch City Mission. I look forward to further collaboration with Anglican Care in my role as Commissioner for Children. At this stage of my life, I do not have time for subtle invitations. Please consider what role you can play to better promote the concept of sustained and shared parenting by fathers.

My first official function as Commissioner for Children was to address a youth group of the Salvation Army in Wellington. It is fitting that perhaps my last formal presentation is to address your agency. On a personal note I appreciate the support and prayers I have received from you over recent weeks. It is extremely sustaining.

## Chapter Two

### FATHERS, FAMILIES, FUTURES: A POPULATION PERSPECTIVE\*

by  
Ian Pool and Sarah Hillcoat-Nallétamby

#### THE LEGACY OF LAURIE O'REILLY

This paper has in part been inspired by the work of Laurie O'Reilly and all that he stood for, and more importantly, to our nation's children for whom he was an eloquent advocate.

We will argue for his crusade to be continued and extended, not by imitating him, but by applying a demographic analysis to the issues for which he was campaigning, along with some thoughts on their broad policy implications. The paper will summarise some of what we know about these issues as they are demonstrated by research we are doing at our Centre on the New Zealand family and on national population trends overall. We also draw on research and experience outside New Zealand, in Africa, Canada and Europe or on that which is in the international comparative and historical literature.

The analysis here is based around two underlying assumptions which were ideals central to the O'Reilly ethos. We summarise his two key principles as follows:

*Ideal Number One:* That an investment in children is the best investment the society can make. Instead we have devoted our investment strategies to short-term, ephemeral, insecure financial goals, to the detriment of our human resources, and thus, in the longer run to the detriment of our national wealth and security. But human resources cannot be destroyed as simply; of course we need investment in development, but an essential element of this is to invest in *knowledge*, in *skills* and in a *healthy* society.

Given the Code of Social Responsibility, which post-dates Laurie O'Reilly's death, it is essential to note that we must clarify this ideal by stressing that investment in children, and in human resources in general, is a communal or society-wide responsibility; families must be supported in meeting their contribution to ensuring societal maintenance and development so that they do not find themselves stretched beyond the

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\* Paper presented at the FATHERS, FAMILIES AND THE FUTURE FORUM, Manukau, Auckland, September 26 1998. Based on a paper presented at the *Fathering and the Future Forum* Christchurch, March 28<sup>th</sup> 1998



limits of their caring capacities. Moreover, this investment in the skill base and training of each new generation can not stop when our children reach 16 years because inter-generational dependencies extend far beyond this age. For society to survive and prosper this investment must go on until they are well into their early adult years.

*Ideal Number Two:* That the family must play a key role in designing and shaping human resource investment, and, that in order to perform this role efficiently, ideally it must be a “complete” family — two parents and multi-generational.

The central point in this paper is to ask whether the family of today is equipped to carry out this role, and if not, whether it is because of endogenous reasons that the family is frequently not complete; or because of exogenous factors, that society has limited the family’s capacities to meet its responsibilities. Here we must sound a warning that there are powerful groups in the society who are reversing O’Reilly’s logic by pointing an accusing finger at changes in family structures and family values as the prime causal agents for what they perceive to be symptoms of the breakdown or at least dysfunction of western society. In assigning blame to the family for society’s alleged moral and fiscal decay -- yes even fiscal decay produced so it is argued by the profligacy of the unemployed, the poor and the teenage mother -- they point in particular to two groups: the sole mother, and the absent father (which, as we would say in statistics, are two highly inter-correlated variables). Sole mothers, particularly the young ones, that is the poorest of the poor, are the target of many of the leading questions we are asked to respond to in the Code of Responsibility.

As far as the absent father is concerned, if he has abandoned his family capriciously we can invest no sympathy in him, and even fewer excuses. But we must recognise that many absent fathers may be the saddest of all men who, in the face of unemployment and grinding poverty, have crumpled under the intolerable burden of meeting the role that society expects of them, to be the family breadwinner.

At a more general level, some of the perceived dysfunctions of the family, making it apparently incomplete, are in reality the consequence of inexorable *demographic forces*, while others reflect rather more *shifts in value systems* than true social breakdown. Moreover, the critics of current family structures must also ask whether the ideal of the complete family ever existed for a minority, perhaps even the majority, of families.

## **FEARS ABOUT THE FAMILY: A DEMOGRAPHIC INSIGHT**

In looking at family structures and functions, it is clear that demographic trends of such aspects of family formation as total family size, age at marriage or the prevalence of divorce are changing. To assimilate such changes however, with the overall demise of the family as a fundamental structural unit of our society, overlooks other factors which help to broaden the picture both about the causes and consequences of family change. In addressing the significance of these changes for the well-being of children and their families, we need to be aware of four things:

- Firstly, that they have often been used as leverage to achieve a very different agenda: a goal of market libertarianism involving the erosion or elimination of formally organised society-wide mechanisms, above all those developed, financed, regulated and implemented by the state. In the place of these mechanisms, the family and individual come to the front as being the main agents responsible for the provision of well-being. We must also be aware that an intermediate step is to shift the responsibility for health, education and like functions to local communities, without necessarily ensuring them the adequate resources necessary to meet these obligations.
- Secondly, we are aware of the fact that our concerns as demographers about deep-seated, but underlying and latent changes — say the long term consequences for the society of sub-replacement fertility of the level they have in Catholic Mediterranean Europe (ie < 1.5 children per couple) — are not being translated into panics about short-term seemingly more manifest high profile concerns (eg the apparently low proportion of households which are two-parent, something which is really a function of shifts in the demographic factor of timing of first births, from the early-starting model to delayed-starting, and which is not necessarily related to low sub-replacement completed family size).
- Thirdly, we recognise that contemporary fears and problems may not be unique either to New Zealand, nor to this period in history. Nicholas Lazard, the reviewer in the *Guardian Weekly* addresses this point brilliantly

“A falling birthrate, a decline in the institution of marriage. The 1960's (boo, hiss)? No the 1890's and earlier. Looks like the rot set in earlier than we thought.” Nicholas Lazard *Guardian*, May 22 1996

- Fourthly, we also realise that, whether as growing children, adults or elders, we are creatures of our generation's experiences, of our birth cohort's life progress. Today it is possible, perhaps more readily than ever before, for us to change our social status, domicile or marital status; from census to census, we can even change our ethnic identity. But the year during which we were born - our birth cohort - remains with us as a life-long identity. With it, come the experiences each cohort has been through and thus the values it has accumulated. Likewise we do not live without belonging to some sort of inter-generational network, which assigns us a place along with younger and older cohorts. In this context, we must realise that the decision makers of today were the middle or late baby-boom parents, having their children between say 1960 and 1974. Their parenting generation was the most aberrant in Pakeha history since about the 1880s. The parents of the baby-boomers, especially those having children between 1968 and 1974 achieved peak rates of teenage fertility, had high levels of pre-marital conception, and often jumped precipitately into marriage at very young ages, thereby legitimising their offspring's birth, but entering unions which had a significant propensity to come unstuck. In

short, for those of us belonging to these generations, our parenting record may not be a good model by which to judge today's young parents.

## **FATHERS**

One of the more interesting evening sights in Jamestown in Accra, Ghana, a central city quarter which had enveloped a traditional Ga tribal community, was the young children running down the street with a cooking pot on their head, which they were taking from their mother's compound to their father's. Kwame Nkrumah erected a statue to his mother yet had virtually nothing to do with the child-rearing of his son until the son returned from Boston Childrens' Hospital as a consultant paediatrician. In our own society, Victorian fathers may have been present but were often very remote, and their main role was as an authoritarian figure. Many pioneer women faced a prolonged period as a sole parent, as a young widow with children, today a very minor marital status category, but until the Second World War a not uncommon status. In fact, throughout history fathers were often absent for very prolonged periods, sometimes sending back remittances for the family, sometimes throwing them onto seeking support from charity. We often forget that some of us had fathers absent overseas in the Second World War, which for their children often meant prolonged periods of temporary or even permanent separation. These anecdotes underline the fact that fathers have not always been central to family processes, regrettable as this might be, but that throughout history and across cultures many children have grown to be well rounded adults without this influence.

The generation of decision-makers of today, probably have a nostalgic, but inaccurate, picture of two-parent families, drawn from the experience of the baby-boom, when most parenting families were two-parent. But let us take a closer look at those couples. Often married in haste to avoid the shame of the teenage bride's pregnancy, they lived in a new commuter zone in Stokes Valley or Waikowhai, from where dad went off to work each day, leaving mum devoid of adult company except from the commercial radio serials such as Dr Paul, and building up the so-called suburban neurosis which might explode into separation and divorce about 1980.

Of course, many commentators will argue that the big difference is that today many of the families, even those with two parents, will be reconstituted, so that the biological father may not be the parenting father. In 1995, our Centre undertook the first national survey on fertility and family formation among 3000+ New Zealand women currently aged 20-59 years. We have the only New Zealand data on biological versus parenting fathers for different generations -- the census does not give this as it does not report detailed longitudinal data of this sort. Our data are currently being analysed, but provisional results show that the prevalence of children whose father is present is higher than one might think.

Whilst we would argue that fathers are essential in terms of their role in ensuring the well-being of their children, we can also equally argue that other family members, say grandparents play an essential and unique role in ensuring an extension to the nurturing

and caring assumed by the parental unit. In the pioneer period, young people migrated, alone or as couples, but then found themselves separated from a family support system. Often the children of pioneers would never have known their parents' extended family. The problem is that as populations become increasingly mobile the situation we had in the past has probably multiplied exponentially and thus incomplete families have become more common. Sometimes, moreover, host governments are being less than supportive of family reunion migrations, a point compassionate New Zealanders may monitor carefully in our migration policy.

## **FAMILIES: STRUCTURES AND CAPACITIES**

The family structures of today that are revealed when we do in-depth research on this topic are often rather different from the stereotypes outlined in the popular press or by politicians. We outline here some of the key features, contrasting these where appropriate with what is popularly believed. Then we turn to the other side of the issue by asking not what the family is doing for its country, but what the country is doing for this fundamental unit. That is, we want to review the pressures the family is under, and to ask whether it is fair to put on it the burden of responsibilities being prescribed for it by politicians.

Firstly, family formation definitely takes a different form in the 1990s from that which we discussed for the baby-boom. Our survey results show that first sexual intercourse is taking place earlier, but that young people are far more likely from the outset to use efficient contraception, overwhelmingly so for Pakeha, and also for an increasing proportion of Maori. They are also more likely to postpone marriage, and far, far less likely to become pregnant as a teenager, although there are still Maori-Pakeha differences in this. It is highly probable that a first persisting union will be cohabitation, or even involve living separately, often with their parents, yet pursuing an intimate relationship — this pattern is recorded also for Sweden, France and Australia, among other countries. When they do marry and/or decide to have a baby, if they are Pakeha this will not be until their late twenties or early thirties. In this regard the young are extremely conservative, closely following the patterns of the most conservative generations this century, and differing very much from their own parents or the aberrant cohorts of parents of the baby-boom. New Zealand's levels of cohabitation for first unions are high by international standards, but when one looks at first unions of any sort, marriage and cohabitation, then there are no significant changes over time. Marriage has not gone out of fashion, merely been repositioned and taken a different form. Although in New Zealand we are short of recent data on public opinion regarding the significance of these changes for the future of the family, recent surveys carried out in the European context have shown that despite these changes, family life is ranked highest of all concerns by the majority of individuals, above work, social life, leisure, or politics.

Secondly, family sizes have changed significantly. For Maori this has been due to a rapid decline in fertility in the 1960s and 1970s; for Pakeha there have been decreases since the baby-boom to sub-replacement. Unlike most other developed countries we

have not reached extremely low levels of sub-replacement fertility, and about 1990 we reached replacement again in what we call the baby-blip. The children of the baby-blip are currently putting pressures on primary schooling. The baby blippers were Laurie O'Reilly's constituents and thus we will return to them again.

Thirdly, because of this late childbearing generation there are far more younger people than in the past who spend their 20s and even early 30s living alone, in flats or as childless couples. But just ahead of them are the last of the parents of the baby-boom, now in their late 40s/early 50s, who became parents at a very young age, and whose children have by now flown the nest — or sometimes adult offspring may have returned to a cluttered nest, as the North Americans call it. Together this peculiar and short-run demographic change is putting a squeeze, from the bottom and top, on the two-parent family, which typically is a phenomenon occurring among couples aged say 25-55 years of age. If we add on the growing number of single person, typically widow, households at much older ages, there are good demographic reasons why the two-parent family is not as common as once it was. But these reasons have nothing to do with declines in family values.

Fourthly, it is clear that family structures have changed, and most importantly that sole parenting is definitely more frequent than it was in the past. That said, the stereotypical young mother who is isolated from other adults does not fit the data: she, and 80 percent are women, is likely to be 27-50 years of age and getting older. If she is a young Pakeha, or if she is Maori or a Pacific Islander of whatever age, then she will most commonly be a sole parent who lives not as a total isolate, but in a wider household with other adults, frequently her own parents. What is interesting is that there is a slowing of the increases in both divorce and sole parenting. In the first case there are some technical demographic reasons for this — if fewer are formally marrying, then the pool from which divorces can come is also diminished. But more importantly, a major determinant — the early precipitate marriage of the baby-boom — has given way to the conservative late marriage of today. Such marriages have lower probabilities of breaking up. Finally, despite all these changes, most New Zealand children live in a two-parent household.

### **FAMILIES: BURDENS IMPOSED ON THEM**

Families today face unprecedented burdens by comparison with the baby-boom antecedents. Above all, after continuing growth in the access of families to economic resources this trend ceased in the late 1970s and since then this access has decreased in both absolute and relative terms. Moreover, unemployment has been a major factor since the 1980s. We do not have the space here to detail these points, but in papers published and presented at the 1997 Population Conference the Centre showed that employment trends were very different from what is often claimed, mainly by economists using Household Labour Force Survey data from 1991 to the present. When instead we do a detailed accounting exercise, using census data, from 1986 to 1996 the pattern is very different. Summary data from these analyses are presented in Table 1. With the exception of Pakeha women, but across numerous ages, industries and

occupations, the number of new jobs by 1996 barely exceeded the numbers lost in the late 1980s. Moreover, the new jobs were far more likely to be part-time than full-time, and job creation fell well below the rate of change in demographic supply, that is the growth in the numbers at work force ages. These discrepancies were particularly marked for the young, for those in jobs such as manufacturing, and for Maori and Pacific Islanders. To add to this, the value of real personal incomes have also declined since the mid 1980s, while income inequalities have increased between all social categories: between cohorts, age-groups, ethnic groups, family types and quintile in income distribution. The economic miracle of the last decade will clearly not have filtered down to all New Zealand families. For many, the great miracle is a mirage.

The question thus must be raised: how can disadvantaged families meet the responsibilities set out for them in the brochure which was recently put in their mail box? Just how much can our society expect of any family in asking them to assume increasing responsibilities in order to ensure the caring and nurturing functions it has done in the past?

**Table 1: Job Gains & Losses at the family age-group (25-44 years) from 1986 to 1996 as a Percentage of the 1986 figures**

		Total
All groups	Full-time	0.5
	Part-time	3.1
	Total	3.6
	Demographic supply	12.1
European	Full-time	-2.8
	Part-time	2.1
	Total	-0.7
	Demographic supply	1.6
Maori	Full-time	10.7
	Part-time	6.3
	Total	17.0
	Demographic supply	47.3
Pacific Island	Full-time	7.6
	Part-time	23.8
	Total	31.4
	Demographic supply	48.4

Growth 1986-96 of the population aged 25-44 years

## **FAMILIES IN OUR FUTURE**

We also need to look around the corner, to 2010 and beyond. The great superannuation debate of 1997 was meant to do that. But instead, after a simplistic and often inaccurate discussion of demographic parameters, the debate leapt straight across to investment in securities, equities, shares and the like, ignoring almost entirely investment in human resources. Whilst we cannot seem to predict with any accuracy the return these types of investments will bring - catastrophic declines in share values on the stock exchange are vivid proof - we do know how many young people will reach the labour market in, say 2010, or how many elderly we may have in 2051, simply because these people have been born and enumerated in at least one or more censuses.

Rather than repeating all the figures about the relative size of the elderly populations in the future and the fiscal burden this may produce, we instead, look briefly at fiscal capacity. This will be achieved most efficiently by ensuring that all persons at working ages have access to work, and by most of those people having high paying (and thus highly taxed) jobs plus the capacity to provide fully for their families' needs. Yet we also want couples to have babies, to contribute to the factors of both reproduction and production. Thus we must look carefully at policies relating to the interface between the labour market and the family, such as child care and maternity leave, so as to facilitate the opportunities for all people who so wish to span both.

Secondly, we will need to ensure that the baby-blippers, who will be labour force entrants from about 2008, only ten years from now, are well trained and educated, and fully integrated into the labour market in meaningful jobs which yield reasonable incomes. We cannot do as we did to the last large cohort reaching the labour force ages, just ten years ago around 1988. We simply ignored them, and instead consigned them to unemployment, in the process making entitlements for welfare very much more difficult. If we repeat that unfortunate experiment again in 2010 to 2015 we will have a double problem on our hands — the young will be a fiscal burden drawing welfare, and they will not be in a position to contribute to fiscal capacity. And this will be at exactly the time that we need them to sustain the society in the face of ageing.

## **POLICY DIRECTIONS**

The contribution a population perspective can make to our understanding of children's needs within the family for well-being and caring involves thinking of demographic change as a driving force in creating, changing and explaining shifts in family structures.

A population perspective also enables us to think about *time* as a key explanation to what often appear to be irreversible changes, deemed detrimental to the family unit. Our calendar of the timing of family formation events is shifting up and forward to a later date or time period. As we said earlier, our survey has shown that marriage has not gone out of fashion, but has merely been *repositioned* and taken a different form.

Taking our inspiration again from Laurie O'Reilly, today's children are those who represent our society's stock or source of social, human and cultural wealth or capital (in their broadest meanings - interactions; networks of support; skills; talents; knowledge; linguistic skills, etc.). To bring their capacities to fruition means investing in their development and progress. In the same vein, the accumulation of this 'capital' occurs throughout the life course of each individual from birth (access to health, food, housing, carers), through infancy (recreation) to adolescence (education, training) and beyond into adulthood (employment, family life). The way in which each birth cohort will experience this 'accumulation of capital' will depend upon the particular historical times into which they are born (e.g. war, unemployment, full employment). This stock of experience will be carried through until the end of their lives, and transmitted in part to the next generation. In other words, our future is shaped by our past and present.

Ensuring children's future well-being, within the family, with father or with mother, surely then revolves around setting the appropriate policy goals or objectives which best facilitate our investment in, and development of the wealths or 'capitals' our children represent. Our paper has highlighted the idea that a family's capacity to ensure the accumulation and transmission of this wealth may at times, be limited - not necessarily through lack of will, commitment or persistence - but rather through the cumulative effect upon families of exogenous factors beyond the direct control of the individual.

The three conceptual models depicted in Figure 1 indicate three agents - the state, the community and the family (in their broadest and most encompassing definitions) who may be involved in the provision of measures and means by which to help the family develop its caring capacities. We have in New Zealand as in many other OECD countries recently seen a shift in policy orientation from a State-driven form of welfare provision and support for the family (Triangle 1) to one in which the family and the individual are being called upon to be front line providers of this support (Triangle 2). Policy analysts will be familiar with the different types of conceptual models which have recently emerged in the New Zealand literature to try and capture this shift of responsibilities from the public to the private spheres.

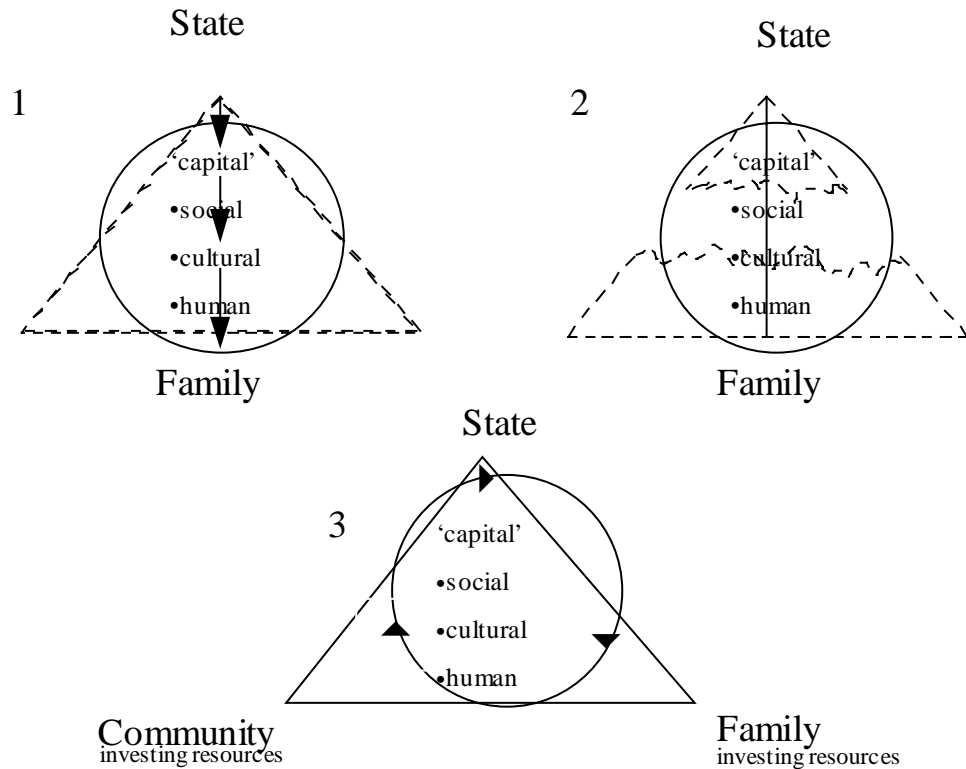
In the context of considering just how able the family may be to accommodate an even greater share of these responsibilities, we outline a third model (Triangle 3) which provides for a mix of partners in the provision of welfare - a mixed economy of welfare. As the arrows indicate, the viability of this type of model depends upon the adequate distribution and circulation of resources between the respective partners. Depending upon the particular focus group we are looking at - in this case, the child - the model can be refined to include specific policy areas, objectives and delivery mechanisms. Research begun recently at the Population Studies Centre to explore the role access to informal (family support) and formal (maternity leave, child-care facilities, government family support) support resources may have in helping women take up employment after the birth of a child, illustrates the importance of an integrated approach to family support as indicated in triangle 3.



We found that women’s entry or re-entry into work after the birth of their last child is influenced by a number of demographic, cultural and socio-economic factors, most importantly, access to formal and informal support resources. In terms of an eventual ‘shift-share’ between men and women in the responsibilities taken for care of children, our research suggests that for Maori women (but not for other ethnic groups), taking up work was facilitated if they were living with their partner or spouse. These results suggest that men may be providing informal family support which in turn facilitates entry into paid work for their female partners. Further research needs to be done to help us develop clearer guidelines concerning this ‘shift-share’ in traditional family roles so that policy directed towards helping families reconcile work with family life does not miss out on these changes.

**Figure 1**

## THE FUTURE



## CONCLUSION

This paper is a plea for us to fight for Laurie O’Reilly’s ideals: to look after children by sustaining the family, preferably a complete family with two parents and with positive multi generational interactions. It is a plea to minimise or eliminate the extreme burdens and inequalities faced by less fortunate families, by providing them with an environment which truly sets them on a path for independence. But this independence will be achieved progressively, as we provide them with the support needed for

completing their share in the development of the social, cultural and human wealth or capital capacities of our children. Investing in the future of our children will involve considering how, through partnership as parents, policy makers, citizens, and community members, we help our families achieve this goal - so that when in turn children themselves become parents or guardians, they will be able to reap the capital of this investment for a broader project - the well-being of the next generation. If we do not do this, our future as a nation will be extremely bleak; we will have failed to make an investment in our most tangible security - the children, the human resources of the future.

### **ACKNOWLEDGMENTS**

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## Chapter Three

### IRON JOHN OR IRONING JOHN? THE CHANGING LIVES OF NEW ZEALAND FATHERS<sup>1 2</sup>

by  
Paul Callister

#### INTRODUCTION

In New Zealand, and internationally, concern has been expressed about the impact of father absence on children (e.g. O'Reilly, 1997; Blankenhorn, 1995). In parallel, there has also been a growing interest in creating greater opportunities for positive, involved fathering. In part, the upsurge in interest in the lives of fathers reflects the realisation that many men are now facing major challenges to their "traditional" roles. These include the loss of paid work for some men, excess working hours for others, having to adapt to non-custodial or shared parenting arrangements and, for another group of men, becoming part of new "blended" families. In trying to adapt to this new diversity many men are having to alter expectations of the roles they wish, or are able, to play in raising children. They are also examining wider attitudes and structures which might assist, or alternatively impede, their preferred parenting option. This includes examining government policies which impact on family life. However, another part of the interest in fathering comes from a group of men who have welcomed and, in some instances even promoted, some of the changes occurring in society. These include changes such as increased participation in paid work by mothers, which have assisted some fathers to take a more active role in parenting.

In this chapter, I begin by briefly exploring some ideas about the traditional New Zealand father, and the traditional family. I then look at some of the new challenges facing fathers. From this, I examine one concept of responsible fathering. On the basis of this definition, I then consider some of the possible barriers to responsible fathering.

#### THE "TRADITIONAL" NEW ZEALAND FATHER

While many feminist historians have rightly complained about the absence of women's lives in *HisStory*, history also tends to overlook the lives of those men who focus on parenting. This is partly why there is much debate as to what the roles of the "traditional" father were. In some accounts, fathers are portrayed as generally having been mentors, even as spiritual guides. Another view is that the traditional father was

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<sup>1</sup> This title was inspired by the British book *Ironing John* (Leith, 1994).

<sup>2</sup> Earlier versions of this paper were presented at the Fathering the Future forum held in Christchurch in March 1998 and at the Fathers, Families and the Future forum held in Auckland in September 1998.

often a tyrant. Certainly, there is often the view put forward that fathers were mainly seen as a source of income. Based on interviews of New Zealand men, Gray (1983: 96) describes what we now often think of as the “traditional” New Zealand father in the early post war era:

They took their responsibilities as providers very seriously - with the socialisation they had they could hardly do otherwise. But they were trapped, the better they provided, the less they were home. And since they had little training in the intimacies of daily family life and few opportunities to practise, most preferred to opt out of this area altogether and concentrated on what they knew best. Those who did want to stay at home, could not - that is, not unless they were prepared to accept a lower standard of living and face the scepticism of society at large. The odd one or two who dreamed of getting the best of both worlds through a more flexible work structure hesitated when they counted the cost in money, promotion and prestige.

Like all generalisations, there were exceptions. Many fathers (perhaps most) were not emotionally remote and, in addition, some fathers did provide both “quality” and “quantity” time. One is Lex Grey, who would subsequently become a key figure in the New Zealand Playcentre movement (Callister, 1998a). In 1948 he and his wife took their daughter to a Wellington “nursery play centre”. He said of his local playcentre (Mitchell and May, 1993: 38-39):

I could go and I was welcome, mainly because I could hammer a nail in to the place - more for that reason than any other. But we gradually changed that and I became secretary and they began to realise that men were able to relate to children - that men wanted to relate to children - that the men were just as scared of children as women can be - that men were human and men were people - that we had to take a bit of the sexism out of pre-school and start thinking in terms of people instead of male and female in what we were doing.

Around this time other men were also challenging further areas of “traditional” behaviour. For example, some men did not want to opt out of attending the birth of their child. In the 1950s, both men and women in the newly formed Parents Centre lobbied to allow the involvement of fathers in childbirth.

The “swinging 1960s” is often seen as the period in which traditional roles for both men and women faced a high level of critical scrutiny. Yet, most men still had stable jobs, most children were brought up in couples, and most women spent a considerable amount of time out of paid work when raising children. However, there again were exceptions in this period. For example, on September 30th, 1967, Playcentre history was made when three fathers who were highly involved in looking after their children were presented with Assistant Supervisor Certificates (*Playcentre Journal*, 1968).

In the late 1960s, while some fathers may have felt trapped in the traditional income-provider role, many mothers were feeling trapped in the home. In this period, the

emergence of the second wave of feminism, assisted by an expanding economy and job market, began to help or, in some cases, force mothers to move back into paid work. From the 1970s, both mothers and fathers in two-parent families increasingly worked outside the home. However, the man was still usually the main income earner in full time paid work, while women generally worked part-time once the children reached school age.

The 1970s was also the period in which sole parenthood and, in particular sole motherhood, started its dramatic growth in New Zealand and other industrialised countries. While in the past death was a prime reason for sole parenthood, marital breakups became the key reason in this early growth period in New Zealand.<sup>3</sup> In addition, the 1970s marked the period in which unemployment for prime-age men, including fathers, started its dramatic rise.

## **FATHERS IN THE LATE 1990s**

### **Changes in Employment**

In the late 1990s there are many challenges faced by men. A major challenge is the change in paid employment. Having a well-paid job and steady future earning prospects has historically been a key factor in marriage decisions as well as in decisions to have children. Marriage has tended to be delayed in times of economic recession. If there is still a widely held view that men in childrearing couples should be the main income earner, then the changes in employment mean that many men are now facing major problems in the “marriage market” (Callister, 1998b). While many factors are influencing the decline of couple families, one theory is that many men can no longer provide financial support for families (e.g. Birrell and Rapson, 1998; Wilson, 1987). While there has been a long term decline in men’s participation in paid work, this was particularly strong over the 1986 to 1991 census period (Department of Statistics, 1993). These dramatic changes in employment can be illustrated by looking at paid work participation rates of men aged 25-29 and 30-34. These are the age groups in which men (and women) have traditionally started to form couple households and have children.

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<sup>3</sup> In the not too distant past, disease, war, accidents, and starvation meant that many children actually grew up without a father, or a mother. It also meant a high proportion of children did not reach adulthood. Certainly, few people survived long enough to be grandparents. Although discussing a period well into the industrial revolution, Uhlenberg (1980) notes that in the United States, even as recently as in 1900, 1 out of four white children under the age of fifteen had lost a parent, and 1 out of 62 had lost both. The corresponding figures for 1976 were 1 out of 20 and 1 out of 1800. Sole parenthood and fatherless families are therefore not new issues.

**Table 1 Percentage of men and women aged 25-34 who were in paid work, 1986 to 1996**

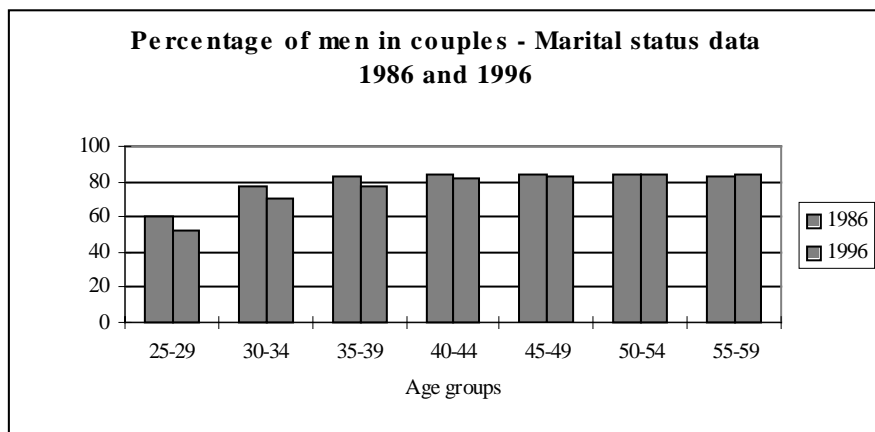
		% of men in paid work	% of women in paid work
25-29	1986	90.6	57.0
	1991	77.0	54.9
	1996	78.9	62.9
30-34	1986	92.7	57.8
	1991	81.7	54.7
	1996	80.8	60.4

Source: Census of Population and Dwellings, Statistics New Zealand.

The table indicates a large-scale loss of jobs by men in the 25-34 age group between 1986 and 1991. Then, despite strong growth in the economy over the subsequent five years, there was no growth in participation rates for men. By contrast, although starting from a much lower base, there was only a small decline in women’s participation in paid work between 1986 and 1991 with an increase in the subsequent five years.

While it is difficult to determine the cause of the change, a decline in the proportion of men in couples occurred in this age group, as well as amongst those aged 35-49, between 1986 and 1996 (Figure 1).<sup>4</sup>

**Figure 1**



Source: Census of Population and Dwellings, Statistics New Zealand.

Note: This shows men in both de facto and legally married couples, but they are not necessarily living in the same household as their partner.

<sup>4</sup> In 1996, amongst those New Zealand men aged 25-59 who were in full-time paid work 52 percent were in a couple with a dependent child. But amongst those unemployed this declined to 38 percent and further to 33 percent for those men not in the labour force (Callister, forthcoming).

## **Employment and partnered fathers**

Changes in employment mean that not only are single men less likely to be in paid work but also that a significant number of fathers who have formed two-parent families now cannot find long-term paid work, or a job which pays enough to support a family. This is especially the situation amongst men with few formal qualifications and, linked to this, those from Maori and Pacific Islands groups (Callister, 1995). For some other men, even if they keep their jobs, workplace changes often mean that they are offered fewer hours than they want or need, which is usually associated with lowered income. However, for yet another group, there is far more pressure to work long hours in one job or to hold multiple jobs. No paid work, too little, or too much paid work are problems facing many fathers.

However, changes in attitudes amongst some people, as well as greater opportunities amongst women in the labour market, also mean there has been an increase in partnered fathers who, through choice, are staying home full time and looking after children or working part time (Callister, 1993, 1994).

Other changes in the labour market may have also resulted in some partnered fathers spending more time with children. An increase in shift work and weekend work means that some couples work non-overlapping shifts, with fathers looking after the children while the mother is out at work (Presser, 1988). While there are currently no data for New Zealand, a recent US study of couples with a preschool child where mothers went out to paid work indicated that the father was the main care giver in 16 percent of these families (Casper, 1996).<sup>5</sup>

## **The growth of sole parent families**

The growth of sole-parent families has provided another major challenge to traditional fathering. Many theories are put forward to explain the growth in sole-mother families and, to a much lesser degree, sole-father families. As discussed, some people link the growth primarily to economic changes, particularly the loss of ability by men to support families, others to a growth in the welfare system (e.g. Murray, 1984), while some researchers identify changing social attitudes as significant (e.g. Jencks, 1993). In the late 1990s, the transition to sole parenthood can occur in a variety of ways. For example, Rothman (1989) notes that new technologies increasingly allow women to “father”. She observes how women can not only employ other women to care for their children, but also to bear children from their “seed”. The new technology allows the purchase of sperm off the internet (McIlroy, 1998) and the growing of human sperm in rats (*Dominion*, 1999). The cloned sheep Dolly shows that soon men may not even be needed to provide this genetic material. Children produced by cloning could be truly “fatherless”.

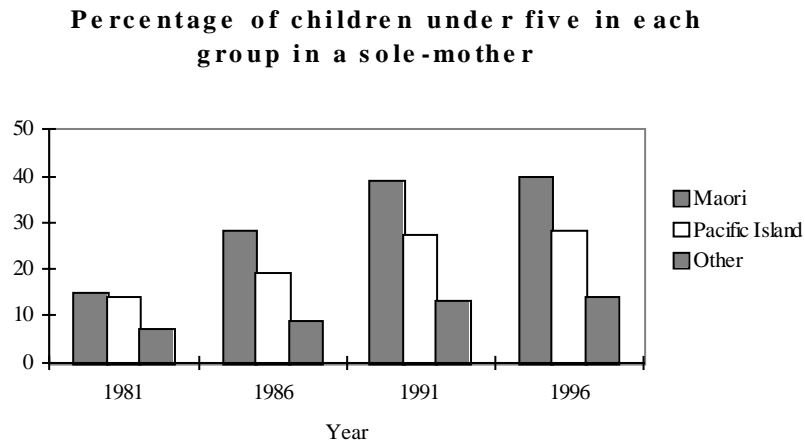
Whatever the reasons for the growth, the increase in sole parenthood has been the strongest amongst the Maori and Pacific Islands communities. The following chart

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<sup>5</sup> The results of a New Zealand childcare survey carried out by Statistics New Zealand will be available in early 1999.

shows the percentage of children under five in sole mother families by ethnic group. Figure 2 is based on the ethnicity of the children.<sup>6</sup>

**Figure 2**



Source: Statistics New Zealand, from Davey (1998)

In 1981, there were just over 20,000 children under five in sole mother families, but by 1996 this had risen to nearly 58,000. In 1996, there were around 27,000 preschool Maori children, over 6,000 Pacific Island children, and nearly 24,000 "Pakeha/other" children in sole mother families. In comparison, in 1981 there were just under 2,000 preschool children in sole father families, and this had only increased to nearly 5,000 in 1996. In this latter year, half of the children in these sole father families were Maori (Davey, 1998).

Unfortunately, this type of data gives no idea of father involvement in these families. Some sole-mother families could, in fact, be harmonious shared parenting arrangements, while in others, for a variety of reasons, the fathers may have no involvement with his children. In addition, not all sole mothers live in single adult households. Some are living in extended families, so grandfathers or other male relatives may be part of the household and take an active role in parenting (Jackson and Pool, 1996).

It is also of note that these data are simply a "snapshot". While New Zealand data are not available, Canadian research based on longitudinal data suggests that for many fathers there will be a number of transitions between living arrangements (Juby and Le Bourdais, 1998). According to this research, just under 90 percent of all Canadian men will become fathers. Of those becoming fathers for the first time, over 90 percent will do so initially within an intact two-parent family. In turn, nearly 80 percent of these

<sup>6</sup> There is some debate regarding defining the ethnicity of a family by the ethnicity of a child (e.g. Jackson and Pool, 1996)



fathers will remain in this family arrangement until their children leave home. Overall, this means that only two-thirds of all men will be in an intact two-parent family with their own children across their potential parenting lifecycle. The research also suggests that many sole-parent families will move to being two-parent families through the parents finding new partners. Finally, these data also suggest that in the late 1990s a significant number of children will be part of sole-parent families for at least some of their childhood.

### **The disappearing “traditional” family**

The traditional family is still often seen as being a stable childrearing married couple, where the father has a long-term career in paid work and the mother stays home or works part-time for much of her adult life in order to look after the children. At times, this model still affects those making, or implementing, social policy or law. Yet, in reality, this model has been in a long term decline. Many factors have led to this decline, including that fewer people are marrying, fertility rates have lowered, a longer lifespan means that the period of childrearing is substantially reduced, and a change in the age structure of the population (Davey, 1998: Jackson and Pool, 1996).

In terms of paid work arrangements for two-parent families, while some fathers have moved out of paid work, mothers keep moving into it and many are now working longer hours. This shift to higher participation and longer hours has been particularly strong amongst mothers with tertiary qualifications. In some situations, the move by women into paid work is because men can no longer support families on their income alone. However, many mothers, particularly well educated mothers, want to be in paid work, preferring “quality” rather than “quantity” time with their children. Changes in both living arrangements and employment patterns for families with pre-school children are illustrated in the following table.

**Table 2 - All families with a child under five - % in each group**

	1986	1991	1996
Father in paid work, mother not in paid work	49.2	35.6	28.5
Mother in paid work, father not in paid work	0.8	2.1	2.4
Both Parents in paid work	30.2	28.4	35.8
Neither Parent in paid work	3.2	9.8	7.6
Sole parent - Mother in paid work	2.1	2.8	5.3
Sole parent - Mother not in paid work	13.3	18.8	18.4
Sole parent - Father in paid work	0.6	1.0	0.9
Sole parent - Father not in paid work	0.6	1.5	1.1
n=	173,202	192,546	197,718

Source: Census of Population and Dwellings, Statistics New Zealand.

The table shows a very dramatic decrease in the traditional family arrangement since 1986, and growth in many other family and work arrangements. This includes families where the father is not in paid employment. This can be a non-employed father in a two-

parent family or a non-employed sole father. In 1986, there were just under 8,000 fathers in these two groups. But by 1991, this had risen to nearly 26,000 fathers and, while declining in the next five years, there were still just under 22,000 non-employed fathers in 1996. However, the table also indicates that in a significant number of two-parent families where the father was not in paid work, the mother was also not in paid work.<sup>7</sup> In addition, many of the two-parent families will be “blended” families with a non-biological mother or a non-biological father. Moreover, this table does not show other parenting arrangements such as same sex-couples. Both gay couples and lesbian couples represent, in very different ways, a further challenge to traditional fathering.

As Breiding-Buss notes in chapter 6, this type of data gives no indication as to who takes primary responsibility for caring for the children. Such information is difficult to obtain. For instance the small sample size of the forthcoming time use survey will restrict the analysis of many family types, and issues such as responsibility rather than actual time spent with children cannot be addressed.

### “Work-rich” and “work-poor” fathers

A further analysis of census data for fathers in heterosexual couples shows much diversity in hours of paid work.

**Table 3 Partnered fathers with a child under five not in paid work and by hours of paid work, 1996\***

*% in each group*

Not in paid work	13
Working less than 30 hours/week	5
Working 50 or more hours/week	42
Working 60 or more hours/week	20

Source: Statistics New Zealand

\* % of those specified

A 60 hour week means someone has to work 12 hours per day, 5 days per week, or 7 days at around 8.5 hours per day. Perhaps these are the fathers buying books such as *The 60 Minute Father* (Parsons, 1995) or his follow-on book for even busier fathers, *The 60 Second Father* (Parsons, 1997).

Providing some comparison, only a decade ago less than 5 percent of fathers of pre-school children were not in paid work. In 1991, 39 percent worked 50 or more hours per week, so the 1996 hours data represents a small increase. It is worth noting that in Britain there has been concern expressed that around a third of fathers with a child under 10 worked more than 50 hours per week (Burgess, 1997).

Also of interest is the labour force status of the partners of fathers working long hours of paid work. There is one view that the men who devote their lives to paid work tend

<sup>7</sup> Some reasons for this are discussed in Callister (1998c)

to be those with partners at home looking after the children and doing all the housework. But, in fact, data for couples with a child under five show that very long hours of paid work are more common amongst men with partners working full-time than amongst those with partners not in paid work.

**Table 4 Hours of paid work of partnered fathers with a child under five by hours of paid work by labour force status of their partners, 1996\***

*% in each group*

		Fathers hours of paid work						
		Under 10	10-29	30-49	50-69	70 or more		
Mothers hours of paid work	Full-time	1.6	4.1	51.0	32.3	11.1	100.0	
	Part-time	1.3	2.9	49.0	38.6	8.2	100.0	
	Not in paid work	2.2	3.4	56.0	33.2	5.3	100.0	

Source: Statistics New Zealand

\* % of those specified. In addition, in New Zealand a person working under 30 hours per week is classified as working part-time.

The changes in the labour market and in family type over the last couple of decades mean that in New Zealand:

- there has been a dramatic decline in the “traditional” two-parent family, where the father is the sole income provider and the mother stays home and looks after the children,
- one group of men may be seeing far less of their children due to the growth of sole motherhood, or because they are working long hours in paid work,
- another group have actively chosen to spend more time with their children,
- a further group of men have had the opportunity to spend more time with their children thrust upon them through the growth in male unemployment.

This growing diversity, and potential ambiguity, in the role of fathers has been recognised by a number of researchers. For example, Juby and Le Bourdais (1998: 163) note:

On the one hand, a reduction in male wages, rising unemployment and higher female education create opportunities for women to work, thereby demanding a greater male involvement in traditionally female roles in the home and strengthening the father/child bond; separation and divorce, on the other hand, weaken links between children and their fathers who may henceforth assume neither the provider nor the carer role.

## **SO WHAT IS IT TO BE A RESPONSIBLE FATHER?**

In light of all these changes is there some common view emerging as to what it is to be a responsible father? In America, Levine and Pitt (1995: 5-6) have suggested a definition. They argue a man behaves responsibly towards his child by doing the following:

- He waits to have a baby until he is prepared emotionally and financially to support his child
- He establishes his legal paternity if and when he does have a baby
- He actively shares with the child's mother in the continuing emotional and physical care of their child, from pregnancy onwards.
- He shares in the continuing financial support of their child, from pregnancy onwards with the child's mother.

In a review article on fathering, Doherty *et al* (1998) note this definition is useful as it can apply to a variety of fathering situations not just those within intact couples. However, it does exclude fathering by adoption, or becoming a father by step-parenting. In addition, while this set of criteria might represent an ideal for a biological father, it is a set of criteria that many men, often through no fault of their own, cannot meet. For example, as already discussed, the loss of jobs means many men may not be able to financially support their children. In situations of family separation, a variety of circumstances, including attitudes within Family Court, can prevent the goal of shared custody (Birks, chapter 11).

In addition, the goal of providing both time and money naturally creates a tension for many parents. The child development research literature is clear that children benefit from having sufficient financial and material resources to enable them to fully develop physically, emotionally, and intellectually (e.g. Duncan *et al*, 1998). The labour market research also shows that, generally, a high level of time commitment to paid work is associated with higher hourly earnings brought about by greater opportunities for training and promotion. In addition, other labour market literature shows that low-income people need to work long hours simply to support their families. Therefore earning sufficient income to support children generally requires either a mother, father, or both in two parent families, to be absent for significant periods. Many men, and increasingly women, simply do not, and never will, have the resources to make a choice to spend a considerable amount of time with their children.

## **WHAT INFLUENCES RESPONSIBLE FATHERING?**

As well as discussing concepts of responsible fathering, Doherty *et al* provided an overview of factors potentially influencing such fathering. In common with other areas of social science, they conclude that there is not some simple causal factor and that the influences are very complex. They suggest that personal characteristics of mothers, fathers and children all have a direct impact and also interact with each other. In addition, outside forces are also very important. In their article they provide a list of factors influencing responsible fathering. These are (p. 285):

1. Contextual factors. Within this set of factors were institutional practices; employment opportunities; economic factors; race or ethnicity resources and challenges; cultural expectations, and social support. Institutional practices include such issues as whether within legislation there is a presumption of dual custody of children following the separation of a couple.
2. Father factors. These included the father's background and his attitudes. The factors specifically noted were role identification; knowledge; skills; psychological well-being; relations with own father; employment characteristics, and residential status.
3. Coparental relationship. This includes marital or nonmarital status; dual versus single earner; custodial arrangement; relationship commitment; cooperation; mutual support, and conflict.
4. Mother factors. The factors noted were attitude toward father; expectations of father; support of father and employment characteristics
5. Child factors. The child's characteristics and attitudes are also seen as important. The factors noted were: attitude toward father; behavioural difficulties; temperament; gender; age, and development status.

This list is drawn from international research carried out on fathering prior to 1998. As the research literature develops some aspects of this list will no doubt be challenged, altered or added to. While each of these factors could be explored in some detail, I have chosen to look at two areas that potentially influence behaviour.

### **Nature/nurture arguments**

Are men really from Mars and women from Venus? Perhaps, as Fukuyama (1997) suggests, men are not genetically predisposed to be faithful or to look after their children. This question of differences between men and women is an important dimension of the "fathering" literature. In discussing the possible benefits of fathers being more involved with their children, there are two schools of thought. One of these upholds an "equity" philosophy while the other a "difference" philosophy.

At its extreme, the equity way of thinking suggests that both motherhood and fatherhood as well as paid work roles, are cultural constructs and that either parent can provide a nurturing environment or income. If all barriers were removed, men and women would have a similar set of options in paid and nurturing work. Moreover, it is seen as beneficial to children to have models of both men and women who can be nurturers and income earners. Within this strand of thinking, there is also the idea that roles for boys and girls are primarily culturally constructed.

The "difference" strand of thought suggests that fatherhood is inherently different to motherhood and that a father, albeit usually the biological father, is essential to bring up well adjusted children, particularly boys. Fathers are needed to provide positive role models of "masculinity", to teach boys to be real men and not become "motherbound" (e.g. Biddulph, 1995). According to this model, in the absence of fathers in families, it is advocated that male role models, or mentors, need to be available in areas such as

childcare and schooling. For instance, male teachers might allow some boys to be more active learners instead of being classified as having attention disorders. It is argued that there is currently a “feminised” pre-school and school education system and, consequently, if boys are particularly “boisterous” they will be sanctioned. At an extreme, these boys are seen as needing to be “calmed” by drugs such as Ritalin. For a variety of reasons, men are highly under-represented amongst those in childcare and pre-tertiary teaching occupations. For example, 1996 census data show women comprise around 95 percent of paid childcare workers. While further research is needed, the use of Ritalin has also been linked to boys living in sole-mother families or families lacking a positive male presence (Gliksman, 1998).<sup>8</sup>

One danger of this difference approach is that “masculinity” can become very narrowly defined, making outsiders of those who do not fit the stereotype. Girls can do anything, but boys can only play with trucks or grow up conditioned to take on the physically demanding jobs which are rapidly disappearing from the economy.

My view is that gender roles are a complex, but still uncertain, mixture of social construct and biology. Take breastfeeding as an obvious example of a potential major barrier to father involvement. In New Zealand, exclusive breastfeeding for six months is promoted for health reasons and this creates the potential for a close initial bond between mother and child. But, there is no evidence that in societies where there are very low rates of breastfeeding that there is more gender equity in unpaid work. In fact, there is evidence of the opposite occurring (Galtry, 1997). In New Zealand, examples can be found of couples taking 12 months parental leave, with the mother taking the first six months and the father the second six months (Podmore and Sawicka, 1995). Other examples can be found of fathers who are primary caregivers taking the child to the mother’s workplace to be breastfed or bottle feeding expressed milk (Callister, 1994). In addition, parenting involves more than looking after a child in its early months.

Subscribing to the idea that mother’s and father’s behaviour is primarily genetically determined could provide some interesting dilemmas for policy makers. For example, if “step fathers” are believed to have a greater genetically determined propensity to be abusive than “step” mothers, then this provides a strong argument for giving custody to biological fathers in the majority of custody disputes.

Overall, it is clear that men cannot (as yet) get pregnant, give birth, or, in normal circumstances, lactate but there is little research which suggests that they cannot look after children. They may, however, through a combination of biology and social conditioning have different parenting styles to women. But, then many women have quite different parenting styles to each other. My own view is that there is a need to move beyond biological differences when looking at behaviour and instead focus on those factors that are associated with positive parenting practices for both men and

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<sup>8</sup> The long term effects of prescribing Ritalin, and similar mind altering drugs, to children, often for long periods, are as yet unknown.

women. Women have no monopoly on caring behaviour, neither do men have a monopoly on destructive behaviour.

## **Norms**

If, as I believe, societal roles are heavily influenced by factors other than biology, then social norms will have a significant impact on behaviour.

As discussed, in New Zealand and overseas, there is considerable concern about the impact of absent fathers. Many people tend to think about sole mother families in this context. Yet, it is important to look at the people who fill the popular media in New Zealand. They are men who, by the nature of their feats or work must be absent for long periods from active care of their children. We have climbers who spend months overseas, yachties who are also away for long periods from their families, rugby players who constantly tour the country and the world, businessmen who wheel and deal on a global basis, working long hours in the process, and, at times, politicians and child development experts who promote family values but nevertheless spend very little time with their own children. It is these men who are increasingly appearing on television and in magazines as role models, or to provide “expert” comment on fathering. Media super-mums are now being joined by super-dads, both of whom cheerfully, and with great skill, are portrayed as providing “quality time” to their children.<sup>9</sup> These new role models may help some groups of fathers become more committed and responsible and support the idea that not only women but men can have both a career and family life. But the super-dad model may also simply reinforce the old stereotype that the only truly successful father is one who succeeds in the public world.

But some men are giving both quality and quantity time to their kids. As with mothers who give both quality and quantity time, this usually involves sacrificing money and prestige in the process. The research literature certainly shows that transgressing social and employment norms by providing this quantity time to children can be difficult. For instance, studies carried out in New Zealand, Australia and America on fathers who had become primary caregivers indicate that these men faced strong reactions from their social groups, including their own parents. Some of these responses were positive, some positive with reservations, but the majority, at least initially, were negative (Grbich, 1987, 1992; Hutchins, 1993). Yet, not surprisingly, the men who stayed longest in this parenting arrangement and who felt good about themselves had considerable support from their friends, relatives, and the communities in which they lived.

There is a group of fathers whom society needs to be particularly concerned about - those who have lost their jobs. Some of these men will continue to cling to traditional notions of gender rather than seeking ways to positively adapt to their new situation. Others, however, are wanting to change. Like women, who often turned to women-only support

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<sup>9</sup> These skilled “jugglers” often fail to acknowledge the support people, such as cleaners, “nannies” and childcare workers, who make such a lifestyle possible.

groups when gender roles were challenged, many men are also looking for positive support in their new situations. Although they are now attempting, to varying degrees, to be more inclusive those traditionally women focussed, and mainly white middle-class, groups such as New Mothers' Support, Parents Centres, or Playcentre cannot easily give such support to these men. Many of the men in this unemployed group are neither white nor middle class. Some of this "gap" is being filled by the many "men's groups" springing up around New Zealand. These include very diverse groups such as Shore Fathers, the Father&Child Trust, and the Promise Keepers.<sup>10</sup> There has also been an upsurge in publications about fathering in a variety of situations. However, it is unclear how the needs of men who are not part of the middle-class are being met. This group includes Maori and Pacific Island men.

## CONCLUSION

There are some major challenges facing fathers as we move towards the new millennium. But, opportunities for positive change can emerge out of challenges. Overall, the research literature generally agrees that given the rapid changes in economic and social conditions there will be an increasing diversity in parenting arrangements. In terms of biologically based or adoptive two-parent families, models of employment and childcare will include:

- various shared parenting and income earning models. These can include both parents working part-time and both undertaking a high, and equal, proportion of childcare; and dual-career families with increased "professionalisation" of childcare through creches and afterschool care programs operating during the day, evenings and weekends and/or parents hiring nannies;
- "difference" based shared parenting, such as men undertaking outside activities with the children and women doing inside work, but both earning income;
- men becoming home-based primary caregivers or working part time and women working full time as primary income earners;

Research also shows a considerable level of fluidity in working arrangements. Both men and women move in and out of paid work, as well as in and out of caring roles. Models may develop where roles change over a child's lifecycle. For instance, a mother may take six months parental leave on the birth of a child, the father a further six months, then the father may work part time while the mother works full time while the children are pre-schoolers.

Adding further complexity to the changing employment patterns within couples who are both the biological parents, new types of two-parent families are becoming more common. This includes "blended" families, same-sex childrearing families, and

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<sup>10</sup> For example, in the United States it has been suggested that there are at least five men's support and lobbying groups. These include the Mythopoetic Men's Movement, Feminist Men's Movement, Fathers' Rights Groups (F.R.E.E), Men's Rights, Christian Men's Movement, Men's Recovery, and the Fatherhood Movement  
(source: <http://info-sys.home.vix.com/pub/men/history/accounts/throop5.html>)



families where, through new medical technology, the child is not biologically related to one or both parents.

In addition, one parent families, mainly headed by mothers, are unlikely to decline. However, there will be much diversity in these family types too. This will include anything from shared custody arrangements to situations where fathers, or mothers, through a variety of reasons, including death, are totally absent. In addition, many children will spend some period of their life in a one-parent family, given the current relatively high rate of couple dissolution and reformation. All these changes, along with underlying demographic shifts, mean that it is almost certain that the “traditional” family will continue to decline.

There will, of course, continue to be much discussion on the impact of each of these very different models on children, with all the emerging family types needing to face the same scrutiny as the traditional family. However, one thing is clear. The interest in fathering issues is increasing. Just as feminism has helped shape attitudes and social institutions, including the “family”, the fathers’ movement, in its various forms, has the potential to become an important force in shaping the attitudes of individuals, families, employers and society in general.

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## **Chapter Four**

### **FATHER, FAMILIES AND THE FUTURE**

### **FATHERHOOD IN AN HISTORICAL CONTEXT**

by  
**Rex McCann**

The contemporary discussion on fatherhood is intimately linked with our perception of what it is to be a man, and to how boys are made into men. Current psychology identifies the importance of a father figure in moving a boy from dependence on his mother to identifying as a man in the world. Anthropology finds rites of passage for boys to manhood one of the most widespread cultural forms across the planet.

Here we find ourselves talking about fatherhood in the late 1990's, and it may be valuable to take some time to remember how fatherhood has been viewed in previous eras.

What we have expected of men and of fathers' changes with every generation and varies greatly between cultures. Here is a by no means definitive romp through some of the historical moods of the fathering role.

In the past centuries the model European father has been the stern patriarch, moral guide and disciplinarian, bending or breaking the child's will to the required norms. It was held that the father, not the mother provided the best example of proper moral character for girls as well as boys. Women were seen to be excessively fond of their children and governed by their passions rather than reason. A father was expected to be stern but not cruel, and to not punish in anger. The father controlled land ownership and could keep control through holding the title from the sons.

Indigenous cultures put no such responsibility or power on one man to be the sole role model for children, but allows a range of significant male figures to guide a child, especially a boy into adult life.

It is beyond the capacity of this brief talk to comment on in depth on Maori patterns of fathering, especially pre-European practice. It is clear though that both paternal and maternal lineage is important in whakapapa and therefore the knowledge of one's father is a vital link with this. But from the anecdotal inquiry I have done it seems clear that the raising of children was shared by a widely extended whanau providing an array of people fulfilling the pakeha definition of parental roles. Today this is still common practice, especially in rural areas.

This talk focuses on the dominant cultures expectation and conversation on the father role in New Zealand and because my work has been largely with men will focus more on the fathering of boys than on girls.

## **HISTORY OF FATHERING AND FAMILY**

Over the time since European settling of New Zealand and Australia there are four key roles of fatherhood that have slipped or been lost. These are the irreplaceable caregiver, moral educator, head of the family and sole breadwinner (Blankenhorn, 1995).

Fatherhood is not some fixed role that has forever existed. Every generation and every culture interprets what is a father's role differently. And being a father is closely linked to our view of what it is to be a man. What we expect of men will point to what we expect of fathers. So the current discussion on fathers has a past and has a future. Let's look at what has been the father's job in the past. In doing so we need to remember there are alternative stories such as the role of the father in Maori society before and after European contact.

Lets imagine a symbolic person to represent the father over time. We will call him Fred. We will follow Fred's role over the last few hundred years.

In the centuries before the industrial revolution typically Fred's world was rural based and his work was carried out at home rather than in a separate workplace. Fred lived mainly in an extended family system with his wife, their parents and their children and their relatives. There were strong kinship ties throughout his family and he held the authority in the family.

But the Northwest areas of Europe where most New Zealand settlers came Fred's family structure was different than the rest of Europe's three generation households. Fred's society was made up largely of families living in the two generation form of mother, father and children and no relatives. In this way it was quite similar to the modern nuclear family.

But it was different in that it was based on economic necessity rather than emotional and romantic love. Their families also existed inside small close knit communities and were not very private from other families and many adults were involved in raising children. The whole village raised the children. In those days the main measure of Fred's manhood was to become a father.

Fred was a powerful figure as the head of his household and owner of his land (depending on his class), which he passed to his eldest son, or could withhold as he wished. His job as a man was to successfully head his household and guide the destiny of his children and he was hands on in this role. Fred it seems was an active parent in charge of the teaching and moral guidance of the children. Child raising books were addressed to him and not his wife. His sons worked alongside him on the land and in urban settings he taught his sons his trade or apprenticed them to other men to learn a

skill. He made all the decisions and directed their career and choice of marriage. If he sounds like the ultimate patriarch to you remember he was less powerful than he had been in previous eras because much of his traditional authority had passed to religious and civic institutions outside the family.

The Victorian era in the nineteenth century saw a softening of Fred's aloofness and discipline as a father as ideas of romantic love and emotional warmth began to become important in the family. Even in those days there was talk of a "New Father" and encouragement for Fred to be more tender with his children. It also saw the separation of home and work which was to be the seed of the contemporary crisis in fatherhood.

When Fred shifted to the colonies his family took on special significance as the upholder of civilised society in the face of the large male population of itinerant labour which wandered wherever work was, didn't own land and binged their earnings on drink. His family was still largely a place of home and work as it always had been with he and his wife working in close proximity to the house and large numbers of children working from an early age.

With the industrial revolution all this was to change throughout the world. Traditional rural and village lifestyles were disrupted and people moved into towns and cities. Fred's productive labour shifted from the home to the outside workplace and his fathering became a part time activity. For the first time in human history Fred couldn't be at home and at work at the same time. This change happened all through the nineteenth century but for New Zealand and Australia mainly in the last part of the century and was largely complete by the turn of the century apart for the family farm and the small business, both of which are still visible today.

This separation gave rise to what has been called "the modern nuclear family" consisting of Fred and his wife and children living apart from other relatives. This family also became increasingly private and isolated from other families. This Victorian middle class family was seen as a haven from the heartless industrial world and the ideal of the companionate marriage was in full swing where the emotional bonds between husband and wife and parents and children were valued. Fred was less punitive and authoritarian and running the family was becoming more of a cooperative partnership than the hierarchy of earlier times. This is a trend we see continuing right through till today.

So industrialisation moved Fred out to work and placed his wife as the reigning domestic power. His moral guide role moved over to her as she came to be seen as the person better suited to developing children's character. His role and authority as teacher moved to her also, and with compulsory education to professionals outside the home. There was a new philosophy of the "tender years" and women's special capacity to care for children which replaced Fred's "masculine reason" as the proper currency for parenting. Fathers authority was out and mothers heart was in!

Fred began this century with much less authority in the home than he had at the beginning of the previous one, it having shifted to the workplace with his productivity. His roles as moral educator, irreplaceable caregiver are gone and head of the family is becoming merely a formality. But at least he was the sole provider as breadwinning was well established as his main fathering job. While he was busy conforming to the industrial workplace, his wife was being subjected to the domestic sciences throughout this century, and till the revolutions of the seventies has had to live up to various and changing ideals of what it is to be a mother.

At the same time he has been evolving from the aloof authoritarian patriarch towards a more emotionally engaged and democratic New Father. Fred's main job at home came to be seen as a good husband who supports his wife to fill her natural place as hands on parent and he retreated from the direct care of children. As motherhood became increasingly a domestic science mothers turned to experts rather than her husband for advice. Maybe as a counter to his distance in the workplace Fred is reinvented as "Dad" in the twentieth century, becoming a warmer person who takes on fun and educative activities with the children and less emphasis as the disciplinarian. For example the newspapers of the between war years are full of pictures of dad's at the beach and taking children camping. The holidays and the weekends were the time for dad who was seen as mum's occasional helper in the home.

Having made breadwinning his main role, the great depression and its huge unemployment shook Fred's family authority even further. It put many men back in the home but in such shameful circumstances that it was clear that paternal involvement was not the main goal of Fred the father, money was. And it showed how fragile was Fred's position in the companionate family as he often had to leave home in search of work.

The Second World War took Fred away from home and sometimes he did not return. Many women moved into the workforce and got a taste of work life and the breadwinner role. In a way this was the precursor of women moving into this final role of fathering, that of the breadwinner in decades to come. But the war also boosted Fred's role temporarily as it restored him to bread winner after the depression and evoked the most ancient father role of all, the protector. His absence at war also promoted a widespread discussion of his importance as a father which shows that in those days society still held strongly that Fred was important.

The war ushered in the period of the so called fifties, which really was the period from 1945 to 1965 and could be thought of as the last flowering of the turn of the century Victorian family. In these post war years of the baby boom there was a return to the certainty of the family roles that had been disrupted by the depression of the thirties and the war of the forties. With increasing prosperity and the state supporting working class families into their own homes the ideal Fred was the "family man". He returned home from work with his paypacket to the suburbs and his doting wife, cared for children and hearthside pleasures. The fifties version of the New Father was enhanced by a shorter working week and suburban capture.



It is paradoxical that the fifties New Father is now called the Old Father, and we find he is unable to show the emotions we wanted from him. It shows us that each generation is seeking a less distant and more emotionally available father and man. With Fred's fading authority in the home we have seen a softer more emotional and democratic ideal of a father in the home sought for by each generation. However with the separation of home and work Fred had to straddle two conflicting cultures. The workplace and its competition and ambition and his home based on patience and kindness and cooperation.

The seventies saw the beginning of the end for the modern nuclear family that had its rise in industrial and colonial times. The sexual revolution, women's increasing dissatisfaction with their sole homemaker role, rising divorce and the breakdown of marriage, and out of wedlock births have presided over its demise. And our foremost legacy from its passing is the death of Fred as we have known him.

## **LAWS AND CULTURAL PRACTICES**

The place of the male wage earner and female homemaker was cemented into place with various cultural practices, laws and policies over the last one hundred years.

During the years 1880 to 1920 the ideal of the sentimental nuclear family ruled by a mother and a wife became dominant in New Zealand growing out of the cult of "sentimental domesticity" which spread from Britain. The productive functions of the family decline and emotional ones become significant.

This was propagated by the campaign against alcohol, New Zealand's largest social movement of the last century. This campaign targeted "unattached irresponsible males" and offered the vision of a stable family serviced economically by a hard working husband who brought home his money, and protected by a moral mother who kept her husband pure and women virtuous. Bread winning became central to fatherhood and failure to support a family, always a grievous sin, becomes centre stage.

Women's qualities as mother and guardian were constantly evoked. Truby King started the Society for promoting health of women and children in 1907 and elevated the significance of motherhood in furthering the Anglo Saxon race by building character in the child. This was clearly the mother's job, not the fathers.

The Education Act of 1877 provided for compulsory schooling, removing the economic value of children. The Workers Dwelling Bill of 1905 made it easier for families to have houses and subsequent labour governments greatly increased the availability of state advance loans. Unions pressed for a family wage claiming that the male breadwinner should be paid sufficiently so his income alone should support his wife and family.

## **FAMILY MEN, PROVIDERS, AND DADS**

Emphasising the importance of the family man, WW1 recruitment focused on single men and out of 124,000 men who served for New Zealand only 832 married men reached England by the wars end.

The depression of the 30's on the other hand put many men in the home through unemployment, but the central lesson of this was that paternal involvement was never the main goal of father. Money was.

The emphasis of the two great wars also made popular the idea that a father needed to be involved in the raising of boys to prevent them turning into sissies (and therefore not useful as soldiers).

The ideal of father as "family man" of New Zealand in the nineteen fifties returned home with the pay packet to a doting wife and well cared for children to enjoy home pleasures.

A 1936 Women's Weekly suggested boys be taught "fathercraft" at school and cited examples of "changing tap washers, mending a broken window chord and dressing sonny's cut knee". Men were seen as incapable of housework, at best growing vegetables and fixing things.

The biological achievement of fatherhood was held to be important proof of being a man and not a "seedless raisin".

## **COPARENT**

With the women's movements of the past three decades we have seen emerge the ideal of father as "co-parent", sharing with the mother the day to day care of the child. This ideal imagines the roles of mother and father as interchangeable as women move into the workplace.

Where the rationale of the "dad" was to share the needs of the child's development the rationale of the co-parent was for the father to share equally the burden of the childcare. Now the expectation was that their participation would make boys less stereotyped and more nurturing.

It can be argued that this model of the "new father" as it is being described in the popular press is a cultural myth that doesn't reflect reality, and it is clear that father as a breadwinner has not disappeared but is strongly held.

With the advent of the single parent benefit the provider role is mediated by the state that pays the usually female single parent, and collects money from the liable parent. The message continues to be that fathers are expected to be providers of children regardless of having contact with them.

In the current context of diminishing commitment to marriage and the nuclear family we have seen recently the discussion of the welfare defaulter or what the Americans call the “deadbeat dad” who avoids his expected provider role for his children.

### **WHAT IS FATHERING?**

There are certainly many possible responses to this question. One way fathering can be thought of is as an “energy field” which helps a child differentiate from their mother and develop their identity in the outer world, and for boys the field which helps him develop his male identity. Fathering is a bridge over which a child can be drawn to a place to loosen itself from the power of the mother’s identity in order to establish its own.

If this is the case then the challenge for men in these times of so many homes without men, is to evoke this force generally in the community. Anywhere there are children, especially boys, men’s job is to be conscious of generating a father field that surrounds them and gives them access to the experience of being a man.

In the words of Robert Moore, “If an older man isn’t blessing a younger man then he is harming him”. He is harming him by denying him the substance that will draw him into wholeness as an adult.

### **CONTEMPORARY MEN’S MOVEMENTS**

The contemporary men’s movements in Britain, Scandinavia, Canada, USA, Australia and New Zealand, are exploring the cultural stories that shape men, in a way that the recent women’s movements have done. Men are taking stock of the consequences of being ushered into a masculine world based on doing, providing and achieving. And as men develop more competence in the “unmanly” art of expressing feelings we are hearing of the immense grief men feel at the absence of an emotional connection with their father.

This is fuelling a desire to make a change in their fathering of their own children, and we are seeing the beginnings of a move into seeing fathering as a manly and satisfying thing to be engaged in, with specific and different functions from that as a mother. Some of the current discussion amongst men is to do with creating what this fathering could be, and challenging the idea that the “new father” should merely be a fifth wheel on the car of mothering.

In schools we are recognising the symptoms of the “under fathered” boy who clings desperately to the façade of a hyper masculinity, based on distant media and sports figures in the absence of any real deep contact with a father figure. This should be a wakeup call to all men concerned to support boys in growing up to be a whole person.

But the notion of men moving en-mass from the wilderness of their isolating conditioning and preoccupation with the workplace into the home and engaged

fathering flies in the face of the reality of the decline of the nuclear family. A large percentage of our homes don't conform to the two parent ideal. And for those that do the great New Zealand experiment of economic rationalism has led to most families needing two incomes to maintain their standard of living.

Here the cultural challenge facing us is to invent new forms through which fathering takes place. The future of fathering is intrinsically linked with changes men create for themselves.

As men continue the trends of previous generations to do the work of creating a more generative, emotionally competent ideal for themselves the models of fathering will reflect this. The possibility of the future is that fathering is a force for cultural change extending far beyond the family man in his various guises. The possibility is that a "generative masculinity" is evolved that becomes a shaping force in our cultural institutions, politics and economics that challenge the cold and distant creations of our rationalist forefathers.

This "fathering" expresses a masculinity that is in harmony with the evolutionary impulse of our times that seeks to bring distant institutions and hierarchies into relationship with the body, and with real people and their needs. And it is a masculinity that has common ground with various of the women's movements.

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## Chapter Five

### **BEGINNING FATHERHOOD - THE GREATEST JOB A MAN CAN DO**

by  
**Warwick Pudney<sup>1</sup>**

A number of years ago I was involved in the interviewing of applicants to become Lifeline counsellors. One of the questions asked on the application form is, "What was your happiest moment." The consistent overwhelming response was not, "When I got mags on my car", or, "When I landed a 20 pound schnapper". The consistent response from both men and women was, "The birth of my first child". I present to you that in the elusive and subjective search for happiness, the personal involvement with the first moments of your child's life are the most transforming and life-filled moments that we live. We enter a moment of magic as we witness the mystery of the creation of new life unfolding before us. Add to this the knowledge that the child is yours, is the product of your body, is partly you, and we have the potential for not just the happiest but the most spiritual, meaningful and wonder-filled moments that we will live. They are moments when new purpose comes to a man's life and bonds of attachment are generated that are rarely extinguished. I suggest to you that this is the beginning of the most important job a man can do for it extends beyond the moment of birth, beyond the embracing of your child, to the embracing of all children, to the embracing of all fathers, and to a new place of fathering all that is around you.

The shame is that many men miss it and that's not good for men, our children and the world at large.

I'd like to take you today through some of the reasons why that happens and make some suggestions as to what can be done. As you may know I have recently written a book with a midwife, Judy Cottrel, on beginning fatherhood. I chose to write in the area of ante-natal, birth and postnatal fathering because the more I looked at fatherhood it was clear that there were some definite patterns, and that those patterns started to become evident at the very beginning of fatherhood, around the birth of the first child. Those same patterns very often carry on for the next twenty years until the child leaves home.

In order to gain more information, I engaged in some qualitative research by interview and survey of men in N.Z. and Australia. I want to talk to you today about eight of the things that became apparent from that research.

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<sup>1</sup> Address delivered to the Conference on Fathering, September 1998 – Organised by the Manukau Institute of Technology

*From looking at early fatherhood we observed that:*

1. We need to know that Fathering is IMPORTANT
2. We need to recreate the fathering map to overcome the disadvantage of poor father relationships.
3. We need to claim our place as fathers.
4. We need to overcome a learned helplessness around parenting and cease our dependence on women.
5. Women have claimed ownership of children. We need to share guardianship.
6. The birthing professionals need to deliberately include us.
7. We need to claim our emotional processes as important.
8. Many dads are doing a wonderful job.

### **1. Firstly we need to know that Fathering is IMPORTANT**

It's clear that we don't seem to know that fathering is IMPORTANT. If we don't know that fathering is important then there isn't much incentive to do the job. I recall doing a fathering workshop at a parenting conference. I had 26 men who I had no doubt were good fathers. I asked them, "Why are fathers important?"

There was a slow silence and we struggled for about forty minutes to make a list of reasons. What reason does a dad have to come home early for quality time with his kids or send a ticket for his Auckland son to come down to Dunedin where he now lives with a new partner, if he doesn't believe that fathering is important? I ask you, "Why are dads important?" Some of the reasons are as follows.

Research indicates that it is vital in the first three years where gender identity is laid down. For boys, dad gives strong clues as to who a boy is and for girls who she isn't.

Dad is probably the most important parent in early adolescence as our children hit identity questions and the need to move beyond the home.

Young girls need to be able to practice having a loving non-sexual relationship with a man. Failure to do this may result in poor relationships with men including inability to establish strong healthy non-dependent partnerships. The pregnancy rate of adolescent girls who have not had father figures in their lives is higher than those who have, and there seems to be an inability to determine between sexual and non-sexual loving.

For boys a loving nonsexual, physical relationship is important to allow them affirming touch with other males.

Fatherless children especially boys are more likely to suffer from mental ill-health, depression, low achievement, be involved in antisocial behaviour, addictions and high risk activity.

The suicide rate is higher for fatherless adolescents especially boys.

Boys and girls learn how to relate to half the population, that is, men, by relating to their fathers. Boys also learn how to have trusting relationships with men and build support and social systems that involve men. The question of identity is one that is far easier to solve for the adolescent male who has had dad around affirming him because a boy's self esteem requires much confirmation from the same gender parent.

Fathers provide links with the wider structural society, the outdoors, physical tasks, risk-taking and hold a sense of aspiration and future.

This is not to say that women can't perform some of these tasks but it is to say that this is how reality is constructed at the moment. Apart from all this, kids need as many people to love them as possible and, no matter what it is that father is doing, it is important for children to know and experience a man doing it. There is a deep grief in a boy or man who hasn't been fathered adequately that allows entry for other less positive substitutes. Youth justice programmes and prisons are full of men who are unfathered. They either didn't know him or they hate him. The message to the community at large must be that fathering *is* important. Fathers must know this, mothers, lawmakers, judges, schools and our children must know this.

I put to you that a new baby has rights to a father.

It is important that a new baby is held by his or her father, hears his father's voice, feels secure and happy in her father's arms and hands, feels the vibrations of his fathers voice, sees her father's face, feels the muscle and hairiness of his father and smells his father's smell. She needs a father who plays with her, and a father who affirms not abuses. A new baby also has the right to a father who will give without expecting anything back, and an entitlement to be bathed, fed, and nursed by a man's hands. She needs to know that her father loves her. And a new baby has the right to a father who takes responsibility for being a father, because fathering is important.

## **2. We need to recreate the "fathering map" to overcome the disadvantage of poor father relationships**

Somewhere over the last 2-300 years we seem to have lost the intergenerational information that allows us to father well. This seems to be particularly over the last 80 years. This is not to ignore the changes that have taken place that are part of the evolution of new roles. There has been a breakdown of positive male relationship and community.



## **How fathering got lost**

There are several theories about how fathering has broken down. The two most popular are as follows. Before the industrial revolution fathers were much more involved with their families. They were around all day in a village-type community doing duties that were mainly outdoor but which children could be involved in. The work was mainly community trades, crafts or agricultural work and was set within the village or community. In fact all children had much more to do with all of the men in the community and they all took responsibility for the safety and growth of all the children. The roles were more mixed and while mothers still had more involvement with food and indoor life, father was also around the house and their activities overlapped. Everyone would go out into the fields to harvest and look after crops and do the business of the market places. When factories were built fathers went off to work, became unseen in their labour, did soulless production work, and lost links with the home and environment. Mothers were forced to look after the children more and the homemaker and provider tasks became separated to the disadvantage of both mothers and fathers. Time with children was reduced, as fathers were more used up and cities developed to take away some of the supporting community.

The other theory is that two world wars have interrupted fathering and switched men off. When a society goes to war, men, both consciously and unconsciously, slip into heavy protector mode. An enormous amount of switching off of emotions, switching off of empathy for others and switching off of life takes place. This is because men are preparing to kill other human beings and destroy people, places and property. The soul of the soldier is wounded before he ever gets to the war and is even more so after.

Even men who did not go, prepared internally as if to go. Men went off and killed and while they were away women took over many of their jobs and became separate and independent. Children grew and were born without contact with fathers. When the men returned they were not as necessary as they had been before. The women were doing their jobs and the children didn't know them. Worse still no one derided the men and gave them back their ability to relate deeply. Instead we left them with horrific memories that were not talked about, extreme hardships and deep emotional wounds. Our culture gave them cheap alcohol and a very unemotional generation of men distanced from children and everyone, including themselves, although they tried to re-engage and act normally. A generation of children grew up relatively unfathered after each war and in turn lacked the map to father their own children. They worked hard and mechanically to rebuild their countries and didn't know how to relate emotionally to others or themselves. They had numbed off. My own father never talked of the war. It was my mother who told me that he hated it.

## **Fix it with your dad**

It is well documented that as impending fatherhood approaches issues of intergenerational passage arise. He is likely to wonder how it was for his father when he was born and a sense of connection is generated. It is reciprocated in many cases because the new child will also shift the man's father into grandfatherhood. This is a

great time to talk and an occasion when a number of things can take place.

The new father can sort out any differences between him and his dad. This is vital given the likelihood of a re-enactment of any negative fathering with the new child. Clearing the old issues out allows the new child a better chance of inheriting the quality of a whole healed relationship.

### **Whakapapa**

The new dad can complete a sense of whakapapa by feeling the centre of a male lineage that is about to produce another generation. A stronger sense of masculinity can develop at this time as no other time demands such a clear male role as when a woman is going into vulnerability and requires support and protection.

The new father has the potential to feel supported by the man who did the job before him.

A sense of wider family or whanau is generated. The interaction of all of the above is part of reviving the map of fatherhood that has become so faint and hard to read.

The effort to fix it with our fathers repairs some of the damage of fatherlessness.

### **3. The third issue that follows from the first two is that we need to claim our place as fathers**

Fathering has become a second hand parenting role. Even in homes where dad is doing well in enthusiasm and presence, he tends to be doing it under the advice and direction of the mother. So how come we're second-hand parents? In most homes the father often fails to initiate relationship with his family. It is his partner who organises him into parenthood. She does it gently with words such as, "Could you pick Ryan up from football practice?" "How about reading Rachel a story?" "It would be really great if you showed him how to do it." "The kids haven't seen you all week. How about..." "Here, you have a hold of her while I get some more milk."

**She** organises **him** into being a father. She organises his relationships with his children. Fathers are often too busy being the provider or detached as protectors who sit on the edge of the family.

He regards her as the expert on bringing up the children, waits for instructions and so prevents himself from being an equal parent. Instead he parents second-hand.

### **Have an opinion**

The answer is, for fathers to take initiative and parent from a base of knowing what to do and having an opinion about what is happening. Decisions on the new baby need to be shared ones. During pregnancy is the very time when men are first likely to fall into

this abdication of parenthood by acting dumb or feeling that they have no say. Its women's business or a modelled, conditioned, learned helplessness switching in that leaves men in a place of feeling incompetent and non-assertive.

The new dad needs to claim a place without relying on the mother to involve him. An expectant father for instance could have thoughts and an opinion on:

The layout of the baby's room

The colour and decor

The furniture and equipment

Carseats

Cots

Pushchairs etc.

Highchairs

Professional agencies and services

Toys

The price of being a secondhand father is a man who feels on the edge of the family and not particularly internally powerful in relationship with the family. Additionally it means an overloaded mother who complains about her dependent partner and doesn't fully respect him.

A woman from a farming background told me a story of how her husband, who felt as if he had missed out on their first two children, claimed the third and last baby for himself:

*IT'S BEEN A LONG WAIT*

*This one's for me*

*Mum*

*This one's for me*

*I worked my nuts off*

*for the last bloody two*

*and missed the whole show*

*Yeah this ones for me*

*she'll be my work mate*

*She'll sit in the cot*

*in the front of the ute*

*go up on the fence line*

*and the shepherd's route*

*The paddocks her nursery*

*the dogs her playmates*

*No more missing the kids*

*cos I'm coming home late*

*No this ones for me mum*

*Don't worry she's safe*

*the boys at the pub*

*just think that she's great  
and the vets got a note book  
to make sure she gains weight  
yeah this ones for me mum  
it's been a long wait*

I suggest that fathers need to actively, proudly and considerately claim their fatherhood. This isn't about men being head of the house. It's about men participating fully in the privilege for the benefit of all including themselves.

I encourage new fathers to have an opinion on matters to do with the baby. Say what you want for the birthplan and baby names etc. Speak up and be assertive without being dominating. Do your homework. Know what you are talking about so that your opinion can be respected around baby decisions. You need to be able to do this with your partner, professionals and family. Speak up in ante-natal classes so that your feelings and experience are heard and respected. I urge men to claim their fatherhood right from conception.

#### **4. It flows from the previous issues covered that we need to overcome a learned helplessness around parenting and cease our dependence on women**

If a man is not connected to his father or a male community and if he still has issues with his father, and if he acts helpless around children, and if he has to have his parenting organised by the mother, and if he has few male friends that he can get genuine emotional support from, then he is left exposed to his own dependency on a woman partner just at the time when she most needs the support.

I believe that this is a major factor in domestic violence. If you are dependent on somebody then you are more likely to want to control them if they look like they are moving away from you. This may well be the reason that some domestic violence begins during pregnancy and why some men choose this time to have affairs.

It is my suggestion that the work of fixing it with your father, of having a good group of male friends, of feeling competent in fathering a new baby and initiating parenting, is the work that men, fathers and ante natal classes need to be doing for our new dads. Being clear and positive in ones manhood allows a man to meet a woman in equality and respect, not dependence.

#### **5. It also follows that women have claimed ownership of children. We need to share guardianship**

One of the consequences of fathers being taken out of the family has been the switch in ownership of the children. For the best part of the last thousand years children have been regarded as property of the father, as part of a patriarchal ownership system.

Since the industrial revolution there has been a move in ownership to the woman. Part of men's distancing and lack of involvement has meant that when deaths or splits have occurred it has been assumed that the children should be with the mother. After all, if he's out at the factory, he can't look after them anyway, even if he knew how. Consequently our legal system tends to assume that the children should be held within the mother's custody unless she can be proved a bad parent. Currently I believe that about half the men who are being prevented from seeing their children after partnership breakdown should still see their children unsupervised. The domestic Violence Act 1995 needs an overhaul. The victims of the abuse of this legislation are the children. They need to be consulted carefully so that they don't become instruments of revenge in the damaged feelings that accompany parental break-up.

*Dear Judge,*

*My mum and dad split up about 8 years ago and they went to court to decide who should have custody of me. I want to know what the court decided at the time because my mum and dad are saying different things and I don't know what's right. That's why I'm writing to you.*

*My mum said that I am not allowed to see my dad without supervision of someone over 16 there and she has been making it hard for me to see him.*

*My dad said that he doesn't remember the court saying that I was not allowed to see him without supervision over 16 and that I was allowed to see him when ever.*

*Why I am writing to the judge is that it is hard to do it with one of my parents because my mum won't let me see the court decision because she might think that I will go back to him, and also she might think that I think that she is lying to me. I am scared of asking my dad because I never see him and I don't know him any more. Only seeing him every 5 months makes it hard to ask him if he could help me so I haven't asked him yet.*

*I want to see the court order because if I know what the court said it would make sense what to do, because I want to see more of my dad and going straight to the court is better because my mum is making it hard to see him as it is, and if mum is lying I can get to see him more often and get to know him.*

*Yours faithfully,*

It is no fault of women that they are currently regarded as owners of children, though a father needs to speak up when he hears his partner talk of "my" children. The remedy for this is education of the legal community, judges and men, to take their place and claim their fatherhood as a treasure and a privilege.

I invite you to consider that the idea of ownership of children is ridiculous. Children are only with us for a short time and the task is not to own them but to help them own themselves. If we steal power from them in order to fight battles or feel better about ourselves by controlling them, then we are damaging them.

We need to operate from principles of guardianship, not ownership.

## **6. The birthing professionals need to deliberately include us**

In recent history women have worked hard at claiming back control of the process from doctors within the medical model. Women now acknowledge the birth process as being "woman centred" and consumer [women] driven which is a good thing. Central to most midwives practice is the concept of being in partnership with women, which has resulted in thousands of women having wonderful, supportive relationships with their midwives. But where this model is deficient is that the man's role can be ignored or down-played. The woman can have a very intimate experience with her midwife or doctor. She trusts her life and the life of her baby to her midwife. There are vaginal examinations and discussions about some of the most intimate matters of life. It is not surprising that many new mothers report feelings of adoration for their care-giver and this can be very rewarding for the midwife. Also there may be some unique imprinting between the delivering mother and the person catching the baby at this peak moment in the woman's life. However it requires midwives to be very honest in examining their part in supporting this process. The midwife will disappear out of the couple's world six weeks after the birth and the deepening of intimacy which could have occurred between the parents is lost to a third person. I believe this ego involvement of the care giver contributes to excluding the father. The father often feels pushed out and unable to muscle in on the relationship. The message is that this is women's work or that men are just incompetent.

If men and midwives are serious about men beginning fatherhood from a feeling of empowerment, men need to attend the ante-natal visits. Men will need to negotiate with employers to have time off work and midwives will have to include them in the conversations and palpitations and pass him the sonic aid. Under-fathering begins during the ante-natal period and needs the efforts of men and midwives to change. Midwives need to look closely at their own subconscious needs to be "with" women. If this excludes the father, if it detracts from the possibility of deepening intimacy between the parents, then we need to ask ourselves some hard questions. If we are committed to launching the new parents off feeling that they have shared a wonderful experience midwives will need to learn some new skills.

*Reflection from a midwife, Anne: My midwifery partner was saying how many fantastic couples she saw around the place. I was quite surprised. "Where?" I asked. I didn't see any enviable couples. "Most of the couples whose babies I deliver" she replied. I was gob-smacked. It hit me like a ton of bricks. I was so focused on the woman that I just lumped the husband in with the support people and suitcases.<sup>2</sup>*

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<sup>2</sup> I acknowledge this as observations by my co-author and midwife, Judy Cottrel.

## **We need changes for ante-natal courses**

We suggest that these courses:

- a] be advertised for mothers and fathers;
- b] include continual checking out of the father's experience;
- c] have time where the fathers meet separately to talk "father stuff ";
- d] have men involved in taking them;
- e] have exercises and information that assists fathers specifically;
- f] have time to look at what happens in the couples relationship at this time.

And... fathers need to not just sit and feel that their experience is being ignored or devalued. They need to speak up.

I suggest that fathers need to bond with their children at the earliest opportunity and that the midwife needs to be a facilitator of this process not a monopolizer. That bonding is what gives confidence both with children and the world of relation, and that's what men need.

*A new grandmother, Rita: The midwife was such a shrewdie. My daughter's partner was uncommitted in the relationship. They hadn't planned on having a child. They don't even live together. As soon as the baby was born the midwife ordered him to take off his shirt. He looked resistant and macho. "Take off your shirt" she ordered. He did what he was told and she put the new-born babe on his chest. Something happened then and at least the baby got the chance at a father that she deserved.*

### Here's some suggestions from men for making hospitals more father-friendly

- Accept that there are two clients .... mother and father.
- Have beds so that fathers can stay overnight.
- Have more male nurses.
- Alter all ante-natal courses to include fathering components and ensure that there are times when the fathers are alone together.
- Provide advice for couples in relationship change in ante-natal courses.
- Provide advice for fathers who have post-natally depressed partners.
- Provide places where Dads can eat, use the phone, talk.
- Don't have everything decorated in full feminine love-pastels.
- Put up posters of families, not just mystical pictures of women with big tummies.
- Re-name National Women's Hospital- National Birthing Hospital.
- Have advice to new fathers in leaflets around the place.

*"I looked around the hospital that I had come into to have my baby and all I could see was bloody posters telling women how they could get benefits to be single parents"*

### Some attitude shifts would make a big difference for fathers

- The staff to acknowledge fathers as the primary caregiver and advocate of the mother.
- Invite men to participate. They don't want to be patronised and told to do some pathetic task that keeps them busy. Know that an appearance of detachment and uncaring may be a cover for fear and uncertainty.
- Encourage the father to have male support and provide a place for the support in the process.
- Accept that many men feel unconfident in hospitals and around blood and body fluids.
- Understand that the father is wired to protect his woman. If she is in pain, if someone else has their fingers in her vagina, if traumatic things are happening, he will be feeling helpless, powerless and in total contradiction to his instinct to protect.

Men need to be included in birthing processes.

### **7. We need to claim our emotional processes as important**

There is such a focus on the mother in the whole childbirth experience that the experience of the father is often forgotten. There are two reasons for this. The first is that it's the mother and her experience that is crucial to the whole event. You can't have a baby without her and it is the mother who is going through the pain and discomfort.

The second is that we as a culture are used to not recognising men's emotional experience. He's supposed to have his emotions well managed or he's not supposed to have any at all, except anger when it's appropriate to defend himself or protect others. It's part of being able to treat men as protector or provider objects - by seeing them as strong, capable and knowledgeable. Even in modern gender conscious relationships this is powerful. The problem also is that when your partner is having a baby it's absolutely reasonable to expect that of a man. It's not his time to be vulnerable, indecisive, self-focused and weak.

Women want support and a sense of protection that they can rely on in their vulnerability. They need someone that they can trust to handle all circumstances. It's my consideration that at this time they're entitled to it. This leaves the man in what is a traditional position with unreal expectations of him.

For this reason I advocate the idea of men having a male support person present or handy to be there solely for him at this traumatic time. This friend, mate, supporter could either be at the birth, with the mother's blessing, or waiting outside. Wherever, he needs to be close at hand for support. So why should a man need such support? Given that men do have a powerful emotional experience, thank goodness, and given that it's inappropriate for him to go too deeply into it because the mother is the appropriate focus, the father needs to put as much as possible of his vulnerability on hold. The



father needs to hold, not repress, his process and deal with it at the first opportunity available. If he can't hold his process then he needs someone who he can talk to immediately. Many men report great difficulty at the birth.

One of the role contradictions at this time is the powerlessness of the protector. At a time when the male is most strongly in his protector role he is also often powerless in the birth process.

Powerlessness is created by:

1. the lack of knowledge about birthing;
2. the professional control of the process;
3. a lack of training in possible usefulness.

One man told me:

Simon: *"I just had to get out. I left her there. I felt so powerless. I couldn't stand the woman I love dying in front of me. I thought she was dying."*

### **Other smaller concerns occur along the way**

Strange as it may seem, even in the most faithful partnerships the question, "Is it my child?" enters the mind of the father at some point. It appears about 60% of fathers have this doubt. We suspect it may be higher. It is often said that only the mother really knows. This touches on one of men's deepest fears and realms of powerlessness.

David: A father in his 50's with a son in his 20's: *'My partner just said, "We'll what do you think? Make your own mind up". I wish that I had pushed for a clear, definite answer. I'm still not sure and I'm afraid to ask.'*

**Most men worry.** They worry about providing a home and they worry about the health and welfare of their partner. Most men forget themselves and their own processes. Fathers are entitled to feel fearful, get upset, feel tired, feel sexually frustrated, feel angry, feel inadequate, and feel powerless:

**Men have powerful emotional processes. It is an emotional time and it is important that they experience them. The best place is often with male friends.**

Story from a new Dad, Martin: *"When I was driving Nina and our first daughter home from the hospital I felt as though there should be a police escort for the car; or at the very least I should drive with the horn or the hazard lights going. I felt really aggressive toward other drivers who seemed to be driving with no consideration for our precious bundle on the seat beside me."*

A father reflects, Darryl: *"I recall coming out of the delivery after the birth of my little girl at 4 am in the morning. The moon was full and the world was silent. I felt as if I had been on an emotional rack, pulled so many directions that I had lost shape. I wanted to shout, laugh and cry. Especially cry. Instead I drove alone in a weary silence back to my house to an empty bed. If I'd*

*known then what I know now I would have had my good mate with me. I could have had a coffee and done all that stuff with him, probably danced as well. I was so alone as a man that night."*

*Story from a new mother, Stephanie: "For my husband the provider role kicked in the morning I told him I was pregnant. After doing one of those urine tests which gives you a result straight away, I went for a walk to try to deal with the shock of it all, and went home with the expectation that we would have a cup of coffee and talk about it. After hearing the news we talked for about ten minutes and then Simon disappeared outside. I flopped around for half an hour or so then felt irritated with him .... Where on earth was he? We had our whole future to talk about. This would take hours." So I wandered outside looking for him. There he was out in a paddock, sweating profusely, digging. "What are you doing?" I asked. "Digging a vegetable garden, aren't I", he replied."*

## **8. Many dads are doing a wonderful job.**

I speak as if all men are struggling fathers. It was clear from talking with fathers that many were not, but it was clear that many men had learned the hard way. Much of what was told to me was as advice from men who had come through the system. They have enjoyed playing with their kids, singing to their kids, enjoyed a balanced and fulfilling parenting relationship where they participated fully, and they have great relationships with other men and their father. I salute you who have and are fathering well. You are fine examples and you know the rewards.

The task of fatherhood is I suggest a privilege. It is important that it be done well. The moment of a first birth is a transforming encounter. Not only does it call us to caring for our own child but it calls us to a new role in the world. It sensitises us to the condition of all children. Fathering is everywhere. It calls us to the principle of kaitiaki tanga the guardianship of living things around us. We are guardians of not only our tamariki but of the wider community. We are guardians of the environment that we live in. We cannot fail in that guardianship for fatherhood is the greatest job a man can do and the world and our children depend upon it.

*Waiata*

*and i shall have feathers and wool for warmth  
and i shall have wood and mortar for strength  
and i shall have thread and pattern for beauty  
and i shall have stones to hold promises  
and i shall have a mountain to name me  
and i shall have a river to carry me  
and i shall have my earth to call me back  
and i shall have a fire to light my mauri  
and i shall have a people to belong to*

*and i shall have a mother with an open womb  
and i shall have a father with an open heart  
and he will have a waiata to welcome me  
and then, then i shall be born.*

## Chapter Six

### NON-STEREOTYPICAL FATHERS

by  
**Harald Breiding-Buss**

The first image that often comes to mind when we think of a "good" father is a man with a satisfying, well-paid job, who pays attention to his wife's and also his children's needs. He is a man of duty, most of all, whose pride in his family is his main reward. This is the image that Hollywood movies and advertising like to create, but it is not the reality for many men and women of the 90's, which has been a decade where work and family arrangements have been negotiated much more flexibly between the partners. A small, but growing, proportion of New Zealand children now see a lot more of their father than of their mother, while in a larger number of families work and family duties are being shared much more equally.

While there has been more attention on the father's role in the media recently most of it has focussed on the specific contribution a working father makes in addition to the mother's role. This is quite different from a father taking on aspects of the parenting role that are considered very female: the comforting of a child in pain; feeding; and guiding a child through upsets, such as "accidents" during potty training or problems of settling into a childcare centre. This role is conveyed through advertising slogans such as "Ask Dr. Mom" or "Only Mum Knows" for which there is no male equivalent.

The trend towards a partnership in parenting is all but ignored by those publicly concerned about fathering. Fathers as primary caregivers were neither an issue at the "Fathering the Future" forum in Christchurch in March 1998, nor at a similar forum in Auckland in September of the same year. Posters, documentaries and other resources made in recent years commonly ignore these family types.

#### **INCIDENCE OF NON-STEREOTYPICAL FAMILIES**

Economic and social changes have encouraged women's advance into the workforce, and qualification levels of women are approaching similar levels to that of men. Also, men and women with a similar level of education are the most likely to form a couple. [1] This means that a couple of the late 90s is much more equal than a 60s couple, and the increasing educational status of these women undermines the formation of the stereotypical family with the father as the only income provider.

Not surprisingly the number of such stereotypical families has fallen sharply, declining from 56% of two-parent families with pre-schoolers in 1986 to 36% in 1996. Families where mother and father have roughly equal employment status have increased from 18% to 29%, and families where the mother's employment status is higher than the father's make up about 4% (up from 1.5%) [2].

This latter group of fathers would be considered primary caregivers due to their probably spending much more time with the children than the mother. However, many fathers with equal or higher employment status than the mother would also come into this category, if they work non-traditional hours and provide most of the childcare while the mother is at work. According to US research, 25-30% of fathers in dual-income families provide "daycare" for the children, and most of these (about 75%) are considered primary care providers. [3] If this was similar to New Zealand conditions, we would have to add 8-10 percentage points to the number of caregiver fathers.

In families where both parents are unemployed there is also often a clear division of roles, with the father being the main caregiver of the children in 26% of cases, according to British research. [4] On 1996 New Zealand census data this would increase the proportion of families, where the father is the primary caregiver, by 2 more percentage points. Therefore, in about 15% of two-parent families (with a pre-schooler) the father will spend significant amounts of time with the children alone and will undertake much or most of the unpaid work related to the children. How many of these would have to be considered "primary caregivers" is hard to estimate, but perhaps the concept of a primary caregiver is gradually becoming obsolete in a world where the primary provider role is slowly ceasing to exist.

*"After I was laid off I had problems finding a new job, but Michael was on the way and I suppose I didn't look too hard [for a job]. This [Michael] was more important to me." Howard (33), father of 2.*

*"A few months after the twins were born I went bankrupt. I had been a successful businessman for more than 10 years, always running my own shops, sometimes 3 or 4 at a time. But after I became a dad I just couldn't focus on my business anymore." Michael (41), father of 3.*

Among single parents, 8% of those with pre-schoolers, and 18% overall, are single fathers. [2] This gives 13% of fathers with pre-schoolers overall in primary, or significant, caregiver positions. Even this figure is only a snapshot. The number of fathers who, at some stage during their children's pre-school years, will be their main caregivers for at least a few months is much higher. Men change jobs, take a break for training or deliberately take time off work for staying home with the children for a limited time. Custody arrangements of separated parents also change sometimes. The likelihood for a man who becomes a father today that he will be a primary caregiver before his child starts school would be much higher.

The concept of primary caregiver may be becoming increasingly irrelevant, however. Studies researching fathers as primary caregivers tend to show a continuing high involvement of the mother (see, for example, Pruett [5]). In parent classes I am seeing a large number of parents who have achieved a high level of sharing of all duties, and are rewarded by children that are attached to both parents, instead of just one.

Where parents are separated, fathers often retain significant access. [6] Even if their role is reduced to the usual 2 days every fortnight, this means they may well be in sole charge of their children during those two days. So while they are seeing less of their children overall than a father living together with the mother, when they do, their involvement is much more like that of a primary caregiver. About 25% of fathers with pre-schoolers do not live with the mother. [2]

## **SOCIAL AGENCIES AND GOVERNMENT DEPARTMENTS IN A NEW WORLD**

Our social service, family benefit and family law systems are geared towards the principle of a primary caregiver and a primary income earner. In a world where these roles change frequently between parents, and more and more often such a clear role division does not exist, these systems begin to struggle.

This is most obvious in the Family Court, which generally attempts to clearly divide the roles after separation into a primary caregiver (usually the mother) and a primary income earner (usually the father). It is clearly struggling with the concept of shared responsibilities, and even more with the concept of the father as the primary caregiver. Unlike a housewife, a househusband cannot expect to be automatically granted full custody of his children after separation.

The Domestic Purposes Benefit also cannot be split between the parents - only one is entitled to it after separation, even in the case of equally shared custody. Where custody is awarded to one parent only, the other has to pay child support calculated on his/her income, but without regard of the time spent with the child. A father who sees his children three full days each week pays the same amount of child support as a father on the same income who does not see them at all, provided they earn the same income. But the mother's government assistance remains the same, although in the case of the involved father her expenses for the children would be reduced significantly.

Family Assistance payments by the government, too, are applied for by, and paid to, the primary caregiver, regardless of the marital status. There is a Woman Alone benefit slightly above the level of the Community Wage, applying to women (and only women) over 50 who have spent at least 15 years primarily caring for someone else, including her children. The Widow's Benefit, also above the level of the Unemployment Benefit, cannot be paid to men. The conclusion from these examples must be that the government and the legal sector cling to a stereotypical division of roles. Through its financial assistance policies to families the government actively discourages shared parenting, and especially a reversal of the traditional roles of

primary caregiver and primary income provider of women and men. Given the increasing prevalence of such arrangements, however, the government and legal sector are remarkably out of touch with the community.

In the social service sector, services to parents are primarily targeted at mothers, although increasingly fathers are invited, too - provided they are the primary carers of their children. Baby CPR training is incorporated in "new mothers groups" run by the Plunket Society. Not surprisingly, attendance of fathers at formal parenting programmes drops well below that of mothers. [7] But working mothers also give these programmes a miss - many no longer see themselves as the type of full-time "primary caregiver" these programmes are geared at.

Of all parenting programmes, ante-natal classes get the highest attendance from parents of both sexes. Birthing providers and their ante-natal classes are the first contact of parents with the new world they are about to enter. If they are given the impression that this new world is mainly for the mother (while the father may be allowed to "help"), then the inexperienced couple is likely to follow this lead, unless economic circumstances are adverse to this arrangement. By addressing all their services primarily to the mother, not just those related to women's health, birthing providers foster and actively encourage the concept of a primary caregiver. I run a fatherhood module for some Christchurch ante-natal course providers. Not surprisingly, a disproportionate number of the couples who attend have firm plans to "swap roles". They are ignored throughout the rest of the programme.

Involvement of men as paid staff, or at decision-making level, in organisations concerned with the welfare of families is virtually non-existent. Of the 70 or so full-time and part-time Plunket staff in Christchurch, not one is male. There is recognition in most organisations that cultural advisors are necessary to avoid the development of an internal culture that excludes cultural minorities, but no such advisors are employed to avoid the development of a single-sex culture which excludes men.

An intriguing piece of as yet unpublished research, quoted by Adrienne Burgess [8], revealed that fathers' behaviour is vastly different when they are observed. In an experiment where researchers videotaped mothers and fathers interacting with their children independently, fathers stayed decidedly more distant and somewhat aloof towards their children. But once they were told the videotape was turned off (which it wasn't), their behaviour converged with mother's. This is a very strong indicator for the power of social and institutional factors in determining father involvement.

*"We sometimes get fathers here, but they don't seem to be interested to get involved and rather do their own thing. They're not very outgoing."* Playcentre supervisor

## **PROBLEMS OF SUPPORT FOR NON-STEREOTYPICAL FATHERS**

While all parents, mothers and fathers, need support, non-stereotypical fathers are the least supported of all. This is not solely a result of gender-bias in institutions concerned with parent support. It is also a structural problem arising from the concept of primary caregiver.

Support for mothers generally starts at the hospital or birthing provider, where they have their babies. From there, the mums are passed on to Plunket nurses, who refer them to playgroups, coffee mornings, support groups and whatever is required. All these services tend to be accessible only for primary caregivers, because of the time of day they are run.

Fathers as primary caregivers for babies younger than 6 months are very rare - they make up only a few hundred families nationwide [9]. In general, the roles of mother and father are swapped later in the baby's life. But when a mother starts paid employment, she will have to drop out of these services. Mothers who at first do try to stay involved in them, report, that they find less and less common ground with the other, "full-time", mothers.

*"There was a La Leche League group in my home town in the evenings that I attended at first, but they were all mothers, who only met in the evenings to get a break from their babies. But I wanted some quality time with her [my daughter] and the other mums." Monica, mother of one.*

The father, on the other hand, would be a newcomer in these firmly established groups, with less experience and more likely than not the only male. Unlike the mother, who was "taken care of" from the moment her baby was born, he would actively have to go out and seek support services. This is even more true where parents are separated, and custody changes from one parent to the other. Where partnered fathers are welcome, or at least tolerated, at parenting services, separated and non-custodial fathers are not.

The Father&Child Trust has been setting up playgroups and informal support services, such as a drop-in centre, in Christchurch. There are other services targeted directly at fathers in specific situations, such as teenage fathers or fathers who have a Protection Order in force against them. Much of this work aims at building father's confidence in their own way of parenting in a society, where they are considered somewhat clumsy and lacking parenting skills (compared to mothers). The Trust's main work, however, is towards joint initiatives with well-established providers of services to parents, to achieve a co-parenting approach throughout the system.

The above-mentioned single sex culture in most parenting organisations is a major obstacle for these organisations to develop co-parenting, or father-specific, support services. Men are unlikely to get seriously involved if they are outnumbered in such order. Therefore, the Father&Child Trust serves another very important purpose: to get men involved in child-related community work and thus provide a stepping stone into this field.



## **SIGNIFICANCE OF NON-STEREOTYPICAL FATHERS IN THE CURRENT FATHERHOOD DISCUSSION**

Fathers as primary caregivers are a small minority in our culture, and cultures with high father involvement are a minority worldwide. But there are exceptions. Babies of the Aka pygmies spend 40% of their time at no more than an arm's length away from their fathers and are given to their mothers mainly for nursing. [10] Babies and young children of the Colombian Wayuu Indians, too, spend most of their time with their fathers, as in this culture the mother traditionally goes out to work or to sell goods in nearby settlements. [11]

Famous anthropologist Margaret Mead, who compared the role of mothers and fathers in several different "primitive" cultures, found that the father's role is defined very differently by the different cultures. [12] The examples of the Aka pygmies and Wayuu Indians show that men can successfully be socialised as primary, or at least significant, caregivers of babies and young children. Biological predisposition, if it exists at all, can therefore not be an obstacle to high father involvement. Every society can make a conscious decision about what sort of fathers they want.

Does our society want more nurturing fathers? The discussion about "correct" fathering is in full swing throughout Western and many developing countries. David Blankenhorn [13] has been an outstanding advocate of a return to the traditional role of the father, with the provider role in a married relationship with the mother being central to the way a father sees himself, mixed with a bit of caring and nurturing, which is mainly the mother's domain, however. He sees this role of the father as paramount to our society's wellbeing and attributes poverty, youth crime and many other social ills to a lack of it.

There are two main flaws in this argument. Firstly, there is no evidence that the provider image of the father shows any sign of weakening - the notorious low self-esteem and isolation of fathers in primary caregiver roles is strong evidence that this pylon of traditional society is still held up. The poverty of single mother families is not always a result of desertion by a providing father - a father's lack of income could make him appear useless in the family under current stereotypes, causing him to leave or be kicked out by the mother.

Secondly, Blankenhorn avoids discussing the implications of his fatherhood model for the role of the mother. There are two options for her: either she returns to home and hearth, giving up the choices and options that women have fought so hard for since the early 60s, to concentrate solely on bringing up children. This would need to be encouraged by major legislative measures, violating international legislation and the constitutions of many countries, to make sure that a father's income and work opportunities will always be higher than a mother's.

Or women could continue to widen their options, which would leave men permanently disadvantaged. Young men would see themselves put into narrow straightjackets of stereotypes, while faced with female peers who have virtually limitless opportunities

and choices. While mothers would have the choice of working or staying home (or a mix of both), the father would be confined to the role of a dumb workhorse, whose contact with his children is limited to kicking a ball around at the weekends - more a coach than a dad. In case of separation he is bound to lose his children altogether.

Other authors, too, are trying to devise the ideal man. Steve Biddulph [14] has a not too different view from Blankenhorn about what the ideal man should look like, they only disagree on how to get there. Blankenhorn believes in an innate tendency of men to be aggressive, violent and sexually opportunistic, which needs to be harnessed in the institution of marriage and by full-time work, while Biddulph believes that bringing out the ideal father will only require bringing out the "natural" man inside every male through intensive socialisation by older males and initiation rites, somewhat reminiscent of those of the Australian Aborigines, only without the knocked-out teeth.

While Hollywood will always be keenly interested in such supermen, many men will resist any attempts to be formed into the desired shapes. For all men and women are different. Designing such shapes is a vain attempt to harness men's and women's natural diversity in the first place. Whatever stereotypes we devise, there will always be those unhappy creatures who just won't fit them.

In reality, there is only one answer to the feminist revolution: an equal widening of the male role to include the provider type as well as the primary caregiver, and all the other men in between. Men, like women, must be able to develop their potentials according to their personal preferences and capabilities. We don't need "boy-friendly" schools, we need schools where all children can develop their potential according to their personality. For some boys this may mean that 5 years is too early to start school, as Steve Biddulph believes, while others will already be able to read or write even before they enter the school building for the first time. And the same applies to girls.

In a world where a man is accepted as being just a father, there is no need for a teenage boy with limited earning potential to run away from his pregnant girlfriend or deny his fatherhood. There is no justification to kick an unemployed father out of the house, and no incentive for him to kill himself. In this world, work and family duties and joys are being negotiated between individual couples according to their personal preferences and abilities, and service providers will go along with parents' choices, instead of putting them into neat "primary caregiver" and "primary breadwinner" boxes.

Non-stereotypical fathers reinvent a fatherhood role that has become lost in the mists of history, and they also challenge women's current monopoly on parenting matters. They are the men who accumulate actual male parenting experience. They are the men we must listen to, if we want to get on our way to increase choices for men. If we do, young men of the future will truly have the whole world at their feet.

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## Chapter Seven

### "FAMILY-FRIENDLY" MEANS FATHERS TOO!

by

**Pam Hutton and Trudie McNaughton, EEO Trust**

Traditional views that family life should not intrude on the workplace are slowly being eroded. One of the single biggest catalysts is the changing demographic structure of our society. The 1997 and 1998 EEO Trust Indexes note that 57% of all working age women are now in the labour market. There are more families with two parents in paid employment. And the number of sole parent families has increased to almost 18% of all families.<sup>1</sup> Paradoxically, another pressure is the competitive requirement for businesses to increase productivity, extend service hours, and become more responsive to customer need, which means that attracting and retaining skilled staff has become paramount. In this context, some organisations are starting to realise that staff turnover will be lower and employees will be more productive if they are able to manage a satisfactory balance between paid work and family needs.

However, the danger is that family-friendly workplace initiatives designed to help achieve that balance are often directed primarily at women or seen to benefit only mothers in paid work. This approach reinforces the stereotypical notion that women continue to do the "double shift", juggling work and family demands single-handedly, and discriminates against male employees who are actively involved in meeting their domestic responsibilities. A 1990 New Zealand Time Use Pilot Survey showed that men spent 34% of their time in paid and unpaid (including domestic) work combined, and for women the average was 28%.<sup>2</sup> Typically women tend to work longer hours in unpaid work, while men spend longer hours in paid work. We can conclude that in many families both father and mother suffer from the "double shift", although the proportions of paid and unpaid work may differ. In this context, achieving and sustaining a balance between the demands of a paid job and responsibilities outside the workplace is a desirable outcome for all employees.

It is an outcome that brings with it more than just broad social justice benefits to individuals and families. As Howard Davies, Director General of the Confederation of British Industry, reports, "What is most important is for employers to accept that helping people achieve a balanced home life is the surest way of increasing their

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<sup>1</sup> *EEO Trust Index*. Auckland: EEO Trust, November 1997, pp.4-5  
*EEO Trust Index*. Auckland: EEO Trust, November 1998, p.11.

<sup>2</sup> *Testing Time: Report of the 1990 Time Use Pilot Survey*. Wellington: Department of Statistics, 1991, p.21

contribution to the company."<sup>3</sup> This approach means a substantial change from traditional work patterns and organisational cultures which have been based on the "invisibility" of men's families. In the past, employers have traditionally assumed that most male employees, particularly those in executive positions, are supported by wives at home who take care of them and their children, leaving the men free to work as many hours as the organisation requires, and go wherever they are sent. The higher up the executive ladder men go, the greater may be the demands to perform for the company and the greater the difficulty in handling family responsibilities, in turn placing a heavier load on their partners. Compounding the problem is the high pressure nature of many jobs in the 1990s - companies that operate as 24-hour-a-day global entities, the requirement for international travel, tight margins, downsizing, and all-pervasive communications technology. It is a working environment where many employees are expected to be available at any hour of the day or night.

Today, with an increasing proportion of women in paid employment facing these pressures too, men are assuming a greater share of family responsibilities. The 1990 Time Use Pilot Survey showed that on average women still do much more of the housework and childcare than men. Gender differences in the proportion of time spent in unpaid domestic work were greatest amongst part-time workers and least amongst those not in paid work (which include the retired). The Time Use Pilot Survey found that New Zealand men were spending an average of 2.4 hours out of a 24 hour day handling household chores and caring responsibilities, compared with an average of 4.3 hours a day for women.<sup>4</sup> Comparative data for earlier trends in unpaid household work in New Zealand is not readily available. Some overseas studies show that men are doing more housework than their fathers or grandfathers did, as well as taking far more responsibility for children. US studies suggest that in the 1980s women handled twice as much housework as men, compared with the 1960s when women were doing three times as much unpaid work as men.<sup>5</sup> Recent Australian research found that while the mean time spent on domestic chores by women over the period 1987-1992 had fallen, the figure for men remained unchanged. However, over the same period both men and women had increased the amount of time spent on caring for children.<sup>6</sup> What is clear is that household and caring responsibilities remain an issue for both men and women to varying degrees, and employers need to develop family-friendly work practices aimed at allowing both men and women to balance their work and non-work commitments better.

People's domestic realities vary enormously. Recent Statistics New Zealand figures show that 34% of men and 36% of women in paid employment have at least one dependant child. Clearly, however, family responsibilities extend beyond caring for

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<sup>3</sup> *Balanced lives: Changing work patterns for men.* London: New Ways To Work, 1995, p.7

<sup>4</sup> *Testing Time: Report of the 1990 Time Use Pilot Survey.* Wellington: Department of Statistics, 1991, p.22

<sup>5</sup> Pleck, J.H., cited in Levine, J.A. and Pitt, E.W., *New Expectations: Community Strategies for Responsible Fatherhood.* New York: Families At Work Institute, 1995, p.22.

<sup>6</sup> Bittman, M. and Pixley, J., *The Double Life of the Family.* Sydney: Allen & Unwin, 1997, pp.145-146

children. With the ageing of New Zealand's post-war baby boomers, caring for or assisting elderly parents is adding extra pressure on many of today's middle-aged workers, and will continue to do so in the future. Maori, Pacific Island and other ethnic groups may also have responsibilities to their extended families. In a number of families these days, both in New Zealand and overseas, it is the mother who goes out to paid work while the father stays at home to look after family needs. This reflects in part the fact that increasingly women have been taking advantage of educational and career opportunities, and can now earn higher salaries than spouses who may be less qualified. In the United States, there is a small but growing trend among executive career men to regain a balance by leaving successful jobs to spend time with their families. Men in business, having witnessed the loss of company loyalty inherent in downsizing, are totting up how much they are worth on paper to determine whether they can afford to quit. However, for most men the economic reality means that this is simply not an option.

Sole-parenting puts an added pressure on parents in paid employment. Data from the 1996 Census showed that 17% of parents in sole-parent families were fathers. The highest incidence of children living with a male sole parent occurs amongst boys over 10 years - according to 1991 Census figures, one in five boys aged 10 to 14 living in a one-parent family lived with their father. Non-custodial parents, too, can face difficulties in balancing their work commitments with their part-time responsibilities for their children. The father is generally the non-custodial parent, but the workplace may not see him as having parental obligations. The increasing number of sole-parent families reflects in part the level of divorces in New Zealand. Indeed, the emotional and economic pressure and stresses of couples trying to balance work and family needs may well be contributing factors behind many such marriage break-ups. However, Ian Pool, Professor of Demography at the University of Waikato, notes that the rate of increase in both divorce and sole parenting is now slowing. Reasons include the fact that fewer people are formally marrying, and those that are marrying are doing so later in life and such marriages have lower probabilities of breaking up.<sup>7</sup>

An Institute for Public Policy Research report in the UK states that many fathers are suffering "role strain" in trying to balance work and family needs, and that few attempts are being made to help them. The Institute suggests employers adopt "father-friendly" policies with initiatives like paternity leave, parental or other special leave (such as caring for a sick child) and greater flexibility in varying working hours to suit family needs. It identifies employer benefits as "reduced tardiness and absenteeism, and increased productivity and company loyalty." The report adds, "Thirty percent of employee absence is due to stress. Enabling fathers to have more satisfying relationships with children helps reduce their stress levels, improves their effectiveness at work, and supports their relationships with their partners - leading, ultimately, to less employment disturbance from family disruption."<sup>8</sup> The winners of the 1998 EEO Trust

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<sup>7</sup> Pool, I., *Fathers, families futures: a population perspective* (a paper presented at the Fathering the Future Forum, Christchurch, March 28, 1998), p.6

<sup>8</sup> Burgess, A. and Ruxton, S., *Men and their children - Proposals for public policy*. London: Institute for Public Policy Research, 1996, p.ix

Work & Family Awards demonstrated the commitment of some New Zealand employers to creating workable family friendly policies and practices, and the business benefits to be gained. The Awards underlined the need to see work and personal responsibilities as interconnected if we want men and women to participate in both income earning and family life. In particular, the experiences of the three men who shared the "Walk the Talk" award for senior managers achieving a genuine balance between work and family, showed that a win-win situation is not only possible, but beneficial. Reported gains included good staff retention rates, and increased efficiency and discretionary effort by employees.

The commonly cited benefits of a family-friendly workplace are, generally speaking, part of more widely desired organisational goals. Family-friendly initiatives frequently incorporate the same strategic aims that any competitive "quality management" organisation works to achieve - attracting and retaining skilled staff, commitment, productivity, flexibility, and a high level of customer service. In New Zealand, however, very little quantitative analysis has been done to measure the costs and benefits of implementing family-friendly practices in workplaces. The main focus to date has been on the costs of high turnover. Recent Australian research looking at the cost/benefit of providing childcare for employees, suggests that the cost of staff turnover is 20%-50% of annual salary.<sup>9</sup> This is more conservative than the figure used by the Families and Work Institute in the USA which sets turnover costs at 70%-150% of salary. WestpacTrust in New Zealand experienced an increase from a 30% return rate from parental leave to 70% after implementation of their parental leave programme - an estimated saving of \$1 million per year. Aside from the costs of recruiting and training a replacement employee, there may be other business costs associated with turnover. A 1998 Massey University survey, for instance, found that when a senior staff member leaves a law or accounting firm, 40% of his or her clients usually follow.

Employee stress and absenteeism is another common justification for introducing family-friendly practices. Again, very little analysis has been done in this area. Macpac Wilderness Equipment in New Zealand contracted an Employee Assistance Programme to offer a confidential counselling service to staff after this was identified as a need. An evaluation after a year showed that staff who had used the service claimed they were more productive at work.<sup>10</sup> Similarly, LWR Industries introduced a compressed work week with an early Friday finish to allow employees to meet some family commitments which usually occurred during work hours, such as doctor's appointments. The company cited reduced absenteeism and improved goodwill as a benefit.<sup>11</sup>

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<sup>9</sup> *Considering Childcare? A Cost Benefit Guide for Employers*, 2nd edition. Sydney: Families at Work, 1998, p.20

<sup>10</sup> *Work & Family Directions - What New Zealand Champions Are Doing*. Wellington: Families At Work/Top Drawer Consultants, 1995, p.42

<sup>11</sup> *Work & Family Directions - What New Zealand Champions Are Doing*. Wellington: Families At Work/Top Drawer Consultants, 1995, p.21

Calculating direct links between some family-friendly policies and business benefits is problematic because of the difficulty in identifying the effects of other external variables and the complexity of personal lives. For instance, in a given case there may have been other factors, besides introducing parental leave provisions and support, which also influenced improved staff retention rates. However, some cost/benefit links can be documented, such as surveying employees about whether the introduction of part-time work influenced their decision to return from parental leave, or whether flexible hours reduced childcare problems. Ilene Wolcott, senior research fellow at the Australian Institute of Family Studies and one of the judges for the 1998 EEO Trust Work & Family Awards, noted in her address at the Awards presentation that there are two aspects in calculating the costs and benefits of work and family policies. One takes the broad social justice approach that society and families will benefit and this, in turn, will generate the best attributes in future employees. The other shows that the benefits of a family-friendly approach are profitable in dollar terms to the employer.

US researcher, Dr James Levine, confirms the value in creating a workplace culture and practices which accommodate the needs of working parents. He says, "Work/family issues ten years from now...will fully be issues for men and women, and the most productive companies will be the ones that focus equally, that see these as gender neutral, that really start to invite men into the discussion."<sup>12</sup> However, the introduction of family friendly policies which enable men to have satisfying family relationships as well as to succeed in their jobs, can be fraught with problems. Even when such policies exist in the workplace and are gender neutral, poor internal communication can mean that male employees are unaware of their options. A New Zealand survey of expectant parents prepared by the Business Research Centre for the Industrial Relations Service in 1996 found that only 17% of fathers knew about paternity leave entitlements. Furthermore, men can be reluctant to take advantage of family friendly options. With parental leave usually unpaid in New Zealand, many men may need to continue working without a break for financial reasons. Another concern is that using flexible work options might damage their career prospects, or that they might be perceived as "unable to hack the pace." The 1980s phenomenon of the "mummy track", where women took flexible work options in order to combine career with raising a family, was often seen as a promotion-killer. A number of organisations developed successful initiatives aimed at helping women to resume their careers. In other cases, however, many competent, dedicated women found themselves sidelined from any real career progression. The 1990s equivalent, the "parent track", runs the risk of being regarded in the same way. Indeed, a 1997 study in the USA indicated that well-educated men with working wives are paid and promoted less than men with stay-at-home wives, possibly because they don't clock as much face time.<sup>13</sup> A possible alternative interpretation may be that men do not need to seek promotion if they have a partner who is earning a good income.

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<sup>12</sup> Levine, J., *What's your daddy strategy?* (a paper presented at the Work & Family: Beyond 2000 Conference, Perth, May 12, 1998)

<sup>13</sup> Morris, B., Is your family wrecking your career? (and vice versa). *Fortune*, March 17, 1997, p.48



The flip-side of the perception that having a family can be damaging for career prospects, is the notion that pursuing a career can be damaging to the family. Children are growing up in an increasingly fast-moving society, facing the pressures of violence, drugs, AIDS, and an uncertain job market. More than ever, they need time, interest and caring guidance from their families. Arlene Johnston, vice-president of the Families and Work Institute, USA, says employers need to ensure their work and family policies are credible, are seen to be supported by management, and are seen not to harm people's careers. She calls for "no fault flexibility" with a change in organisational culture which recognises that those working part-time or who take other flexible options are no less committed and productive than full-timers. "People want more options," Johnston says. "Men saw their fathers make sacrifices at home for work, and they don't want to experience that."<sup>14</sup>

So, on a practical level, what can organisations do to help men balance their work and family needs? Initiatives include:

- Recognising that helping male employees to balance their fathering and work roles is a positive investment, which will improve employee satisfaction and productivity, and reduce absenteeism and turnover.
- Recognising that two-income and sole parent families are a reality, and that this needs to be accommodated in the workplace.
- Surveying and consulting with employees to find out which initiatives would be most valuable to fathers in the workplace to make it easier to balance their work and family responsibilities.
- Publicising family-friendly policies and practices to all employees so that they are aware of their options and that the policies are not "for women only". This should include providing advisory material and information packs on parental leave provisions and flexible options for fathers-to-be and their partners.
- Creating and supporting an open work culture where employees feel free to acknowledge their families, and are confident to make use of family-friendly practices. In particular, senior managers should act as role models by using family-friendly options themselves.
- Encouraging fathers to consider working reduced and/or flexible hours and encouraging fathers to work from home when appropriate. Flexible scheduling allows employees to have more control over when and where they get work done.
- Allowing fathers to take career breaks without affecting service entitlements.
- Rewarding performance, not face-time.

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<sup>14</sup> Rose, R., Make your workplace family friendly, *Management*, August 1993, p.46

- Offering male employees a cash bonus if they take parental leave.
- Monitoring new initiatives and evaluating their effectiveness.
- Joining the EEO Trust's Work & Family Network.
- Seeking recognition and publicity for successful initiatives taken, for example by entering the EEO Trust's annual Work & Family Awards.

The key to achieving a satisfactory balance between work and family responsibilities lies in focussing on flexibility and work outputs, rather than on face-time. Innovative organisations are beginning to create a culture where work and family policies are integrated into strategic management plans and where initiatives are taken to encourage all employees, including men, to exercise greater choice in balancing work and family responsibilities. The result benefits both families and the business bottom-line.

#### **EEO Trust Work & Family Award Winners: Walk the Talk**

The 1998 EEO Trust Work & Family Awards included a "Walk the Talk" category which recognised the efforts of senior managers to achieve a successful work and family balance themselves and to help their staff to do so in a practical way.

#### **Ross Gillett, Department of Social Welfare**

One of the joint winners of the award was Ross Gillett who works as a manager at the Income Support Service of the Department of Social Welfare based in Wellington. With a staff of around 100 people reporting to him, Ross's management style is open and inclusive. He recognises the need to provide a supportive environment where employees can maintain a healthy balance between work and their family and cultural life.

Flexible work arrangements are part of the office culture, where "Working Windows" can be negotiated to meet individual and business needs. Ross uses these policies to ensure the best advantage to both the business and staff members. This is reflected in enhanced customer service, and in good staff retention and return rates. Staff are welcome to have their children come into the office providing the safety of the children can be ensured. Staff outings including family members are held regularly and are well attended. Ross encourages staff on parental leave, or those who have left to have children, to take part in these events and to keep in regular contact.

Ross also recognises and values the ethnic and cultural diversity of his staff. His initiatives in this area have helped to achieve more open communication with staff, particularly when family issues need to be addressed. The effect has been to improve respect for and understanding of different family norms and values.

Despite his dedication and enthusiasm for his work and staff, Ross above all values his own family and shows a strong commitment to them. When there are deadlines to be met, Ross prefers to take work home rather than work in the office, believing it is important to spend time with his family whenever possible. Although travelling is a part of his work, he tries to keep it to a minimum because it compromises his ability to provide support to his wife and children. Ross and his family are regular participants in the social and cultural activities of the NCSCC, underlining Ross's view that work and non-work life are inextricably linked.

**Rob Borgers and Bruce Henry, Wheeler Campbell Consulting Ltd**

Fellow winners of the "Walk the Talk" Award, Rob Borgers and Bruce Henry are Directors and Principals of Wheeler Campbell Consulting Ltd, a Wellington-based recruitment and human resources company. They founded the business five years ago, and since then it has grown to 18 staff.

One of the motives in setting up the company was the desire to allow themselves and staff to achieve a balance between their personal and professional lives. Both Rob and Bruce found that organisations they had worked in previously had not recognised the important obligations they had to their children and partners. They also believe that society as a whole benefits from its members having a more balanced lifestyle and that families need to be together regularly to function effectively.

Rob and Bruce model these values in the workplace. Bruce works from home one day a week. Both men take time off to care for sick children or partners at home. Neither works excessive hours, nor do they expect their staff to do so. Staff are explicitly encouraged to share rather than shirk family responsibilities. Those who have worked long hours are expected to take time off to re-balance. Rob and Bruce encourage their staff to use flexible arrangements to meet non-work commitments. Leave is also treated in a flexible manner. Staff members may take leave to attend children's school camps or other school-based activities. Study leave is also available to allow staff to study in work time rather than in family time. Staff report increased efficiency and discretionary effort resulting from the company's commitment to work and family balance.

Rob and Bruce see value in enhancing the contacts between work and family. Children are welcome in the office at any time. Social events for staff members, their partners and families, are held regularly.

The Directors of Wheeler Campbell Consulting Ltd have tried to create a workplace that encourages all staff to achieve a balance between work and non-work life. The reality is reflected both in the management practices that Rob and Bruce have developed and in their own everyday behaviour at work.

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## **Chapter Eight**

### **FISCAL AND WELFARE BARRIERS TO EFFECTIVE FATHERHOOD**

by  
**Keith Rankin**

#### **INTRODUCTION**

The family, whether extended or nuclear, has been central to all societies. A successful society produces sufficient children to maintain itself indefinitely. Children, as they become adults, are expected, individually or collectively, to support their parents in old age. In the broader sweep of historical change, they are expected to maintain and extend their society's collective cultural and economic legacy.

Because of the social importance of reproduction, "family values" have always been seen as critically important to a society. Men as well as women are expected to make a significant contribution to the raising of each new generation. This is especially true for societies such as ours that emphasise nuclear families. The ideal is that fathers should make that contribution through a permanent pair-bond relationship with the mothers of their children. Where that does not happen, the widespread if not unanimous expectation is that such fathers should still make a major contribution to the parenting of their biological children.

The major parental contributions are caregiving and providing. While mothers have often been thought of as caregivers and fathers as providers, the concept of family values does not imply that one parent should be sole caregiver and the other sole provider. For two-thirds of today's parents, such specialisation is an anachronism (Birrell and Rapson, 1998, p.39). Furthermore, there is a growing body of literature that supports the commonsense view that it is in children's interest if they form relationships with their fathers.

The institutions of modern economic society - in particular the tax system and the social security system - help to undermine society's commitment to family values. This occurs when there are diminished financial incentives for either parent to remain in a marriage relationship, or increased financial incentives for parents to separate. These incentive effects work at the margin, which means that the consequences are predictable. A relationship facing difficulties can be tipped to breaking-point when the tax-benefit calculus faced by either partner suggests that the other partner is dispensable. Nowadays, women both leave relationships and initiate divorce more frequently than men (Ansley, 1997, p.19, Birrell and Rapson, 1998, p.39).

There are many reasons that lead to fathers playing an incomplete role in the raising of their children. Financial factors arising from public policy may not be the most important of those reasons. Nevertheless, fiscal and welfare incentives do lead to more parental separations than would otherwise be the case if those incentives were not there. And tax-benefit considerations (which include mandatory "child support" payments) increase the difficulty of maintaining caregiving relationships between fathers and children following a marital separation.

## **THE NEW ZEALAND INCOME TAX AND BENEFIT SYSTEM**

The New Zealand income tax regime is partially integrated with the social security system. The key differences are that (i) there are two different institutions with historically different roles - the Inland Revenue Department (IRD) and Work and Income New Zealand (WINZ) - and (ii) that the taxation authority has an individual focus whereas the social welfare agency (WINZ) explicitly targets families.

There has been a marked convergence in the cultures of the IRD and WINZ. The predominant culture, which emphasises compliance over assistance, is a key part of the problem. "Moral hazard" is seen as the problem which both agencies must address. Normal "independent" families, receiving at least one fulltime-equivalent wage, are not able to receive much support from tightly targeted welfare programmes which, by definition, channel support to families that deviate from that presumed norm. A high proportion of New Zealand's children now lives in families in which there is no fulltime-equivalent wage.

While most benefits are paid through WINZ, an important class of secondary benefits - called Family Support, Guaranteed Minimum Family Income, and Independent Family Tax Credits - are paid by the IRD. These benefits have a very explicit family focus, which is counter to the individualist culture of the IRD. The IRD, through its Child Support Agency, also passes on "liable parent" payments to custodial parents (mainly mothers) who are living apart from the non-custodial parent and who are not receiving a benefit from WINZ.

The compliance cultures of the two institutions have merged, to the point that they are best understood as one. WINZ seeks to minimise benefit payments through increasingly stringent work-test requirements (*NZ Herald* 1999a), through its television campaigns against benefit fraud, and through an active prosecution policy of alleged benefit fraudsters "dobbed-in" by neighbours. The IRD seeks to maximise the revenue that can be collected within prevailing legislation (*NZ Herald* 1999b). Benefits paid by the IRD and by WINZ both emphasise nuclear families, thereby failing to take into account the economic nature of, say, Maori extended families.

Unlike many other countries including Australia, New Zealand families' principal providers (which more often than not means fathers) do not receive tax allowances or rebates. All labour income is taxed individually, at a marginal rate of 15% (for the first \$9,500 of annual income), 21% (for income in the range from \$9,500 to \$38,000), or

33%. An additional 1.2% is payable to the ACC (Accident Compensation Commission). If a father is separated from his family, he loses no tax allowances, so his after-tax income (before child support) does not fall. There is no direct tax incentive for him to stay. (However, if he is leaving a second marriage with children, his child support liability with respect to the children of his first marriage will increase markedly.)

Many parents pay additional income tax in the form of a tertiary study loan repayment. This is an additional 10% on the income tax rate, for annual incomes in excess of \$14,716 in the 1998/99 tax year. Thus, for practical purposes, given the requirement of some form of tertiary education for today's labour market, the income tax scale for parents of young children is, more often than not, as shown in Table 1.

**Table 1: Income Tax Rates incorporating Tertiary Education Repayments and Accident Compensation levies**

\$0-\$9,500 pa (\$0-\$183 pw)	16.2%
\$9,500-\$14,716 pa (\$183-\$283 pw)	22.2%
\$14,716-\$38,000 pa (\$283-\$731 pw)	32.2%
\$38,000 pa (\$731 pw) and over	44.2%

Compared to Australia, these tax rates are high for lower income earners, and are low for high income recipients (Australian Tax Office 1998). Fathers of young children tend to have below-average incomes. Since the 1970s, the real incomes of young men have fallen markedly relative to their fathers' incomes (Rankin 1993).

The two most important forms of assistance available to families with employment income are family support tax credits (FS, paid by the IRD) and accommodation supplements (AS, paid by WINZ). Family support is paid to the principal caregiver, usually the mother. It is subject to abatement of either 18% or 30% of gross family earnings, depending on the level of combined parental income. Accommodation supplements are payable to couples and individuals whether or not they have children in their care. They are subject to an abatement rate of 25% on parental income, plus an asset test. Payments to couples are split into equal payments to each parent.

Families with gross annual incomes below \$39,200 (St John and Rankin 1998) qualify for a Community Services Card (CSC) which entitles all family members to some health care subsidies. Individuals on low incomes also qualify. The CSC is administered by WINZ.

For "dependent" families - ie two-parent households without a fulltime equivalent wage - the parents, if not eligible for an Invalids Benefit or New Zealand Superannuation, must apply together to receive the Community Wage (CW). Depending on the age of the youngest child, one or both parents must be actively seeking full-time employment to qualify. Accommodation supplements and family support tax credits are also

payable, but are abated differently from "independent" families. The community wage abates at 70% of gross income if parental income exceeds \$80 per week.

For single parent families, a Domestic Purposes Benefit (DPB) is payable instead of the community wage. The DPB is nearly as high as the total community wage payable to both parents. And it abates at only 30 cents in the dollar unless the recipient's gross income exceeds \$180 per week or unless the youngest child is aged over 14.

## **CHILD SUPPORT**

The Child Support Agency (CSA) of the IRD levies a surcharge on the incomes of non-custodial parents, most of whom are fathers. The minimum payment is \$10 per week. While a mother not receiving a benefit from WINZ may make a voluntary arrangement with the father, she has the option of unilaterally cancelling that arrangement and replacing it with the standard "formula assessment" surcharge applied by the CSA. A mother on a benefit has her benefit cut if she does not name the father of her child. Biological fathers who have never cohabited with the mother, and may not even know they are fathers, are caught in the child support web.

The formula assessment applies to incomes of liable parents within a range, starting anywhere between \$11,000 and \$30,000, and finishing for all at \$64,478 in the 1998/99 tax year. Depending on the number of children for whom they are liable, such fathers pay between 18% and 30% of their qualifying gross income to the CSA. Child support bears most strongly on middle-income liable fathers, and acts to discourage low-income fathers from raising their incomes.

From the moment of their child's conception, fathers are liable in law until the child is 19 years old. It is only mothers who have the discretion to remove that liability, by terminating the pregnancy, by placing the child for adoption, by bypassing the formula assessment, or by refusing to name the father.

The financial consequences of not gaining at least shared-custody of one's child following a separation have created an additional source of conflict between separating couples, thereby making it much harder for non-custodial fathers to fulfil their caregiving obligations. Child support payments make no difference to the children where the custodial parent is on a benefit, but make it much harder for non-custodial parents to make a contribution that does make a difference to their children.

## **EXAMPLE**

A typical 30-something two-parent nuclear family living in the 2000s - the first decade of the 21st century - is likely to be Mum working part-time, Dad working full-time, plus 2 children. Some of the fathers in such families will have conceived a child many years earlier, while a teenager or while in his early 20s. Such fathers will be paying child support if the mother decided to raise the child as a solo parent.



The example I will present is that of such a family: husband, wife and two children, say 7 and 5 years old. The wife has a stable part-time job which brings her a gross income of \$200 very week. The father has an outstanding student loan and child support liabilities for a child that he fathered as a teenager during a casual relationship.

Table 2 reveals the father's effective contribution to the family budget for income levels ranging from \$0 (meaning he's unemployed and receiving the community wage) to \$800 per week. In addition, it shows the family income if the couple separate and the mother, while keeping her part-time job, goes onto the domestic purposes benefit.

**Table 2: Family living in Wellington and paying \$250 per week rent**

Father's Gross Income	Parents' Gross Income	Benefits; IRD/WINZ	Income Tax	Other Levies on Family Income	Combined Net Income after Rent	Effective Marginal Tax Rate
\$pw	\$pw	\$pw	\$pw	\$pw	\$pw	%
0	200	367.16	-68.51	-12.40	236.26	83.7
100	300	284.81	-68.68	-13.60	252.53	83.7
200	400	206.18	-62.08	-14.80	279.30	65.2
300	500	163.18	-83.08	-17.70	312.40	75.2
400	600	111.68	-104.08	-28.90	328.71	87.2
500	700	56.68	-125.08	-40.10	341.51	87.2
600	800	7.47	-146.08	-64.40	346.99	80.2
700	900	0.00	-167.08	-93.60	389.32	50.2
800	1000	0.00	-196.38	-122.80	430.82	62.2
leaves	200	380.87	-77.63	-2.40	250.84	92.2

The average EMTR for the first \$600 of the father's earnings is 81.5%

If the father is unemployed, the disposable income of the family is \$236. If he gets a job paying \$600 per week before tax, the disposable income of the family rises to \$347. Thus, for earnings of \$600, close to the median fulltime wage, his earnings contribute an additional \$111 to the family budget. For the first \$600 that he earns each week, the average effective marginal tax rate (EMTR) is 81.5%. If he manages to gross \$800, his earnings contribute \$195.

If the father leaves, at his own or his partner's instigation, the disposable income of the residual family is \$14 higher than it would have been for the whole family if he was unemployed. On the DPB the mother receives over \$250 after rent, although that would fall by nearly \$14 if she had an outstanding student loan. Assuming that it costs an additional \$100 per week to support an adult male, a traditional live-in father would need to be earning more than \$600 per week to make the family better off financially.

How would the father get on living apart from his wife? Table 3 shows his situation as a single non-custodial parent with three children for whom he is liable. In order to maintain a minimally satisfactory relationship with his children (access at least every second weekend), he would need to rent a two-bedroom apartment, at say \$200 per week. If unemployed and receiving a community wage, his disposable weekly income would be just \$2.34. That amount rises to \$143 per week if he can secure a steady job grossing \$600, and to \$216 if he can gross \$800. (The legal minimum wage for a 40 hour per week job is \$280 gross per week. With many jobs today paying wages at or close to the adult minimum wage, \$600 per week should not be regarded as a low wage.) His average EMTR for the first \$600 dollars is 76.5%. As well as supporting himself, it is out of this disposable income that he must support his children when they are with him.

**Table 3: Estranged father living in Wellington and paying \$200 per week rent**

Father's Gross Income	Benefits; WINZ only	Income Tax	Levies on Father's Income	Net Income after Rent	Effective Marginal Tax Rate
\$pw	\$pw	\$pw	\$pw	\$pw	%
0	238.34	-26.00	-10.00	2.34	41.2
100	201.87	-42.98	-11.51	47.38	92.0
200	119.52	-46.69	-17.47	55.36	92.0
300	49.29	-52.04	-27.25	70.00	84.2
400	24.29	-73.04	-65.45	85.80	84.2
500	0.00	-94.04	-103.65	102.31	59.2
600	0.00	-115.04	-141.85	143.11	59.2
700	0.00	-136.04	-180.05	183.91	59.2
800	0.00	-165.35	-218.25	216.40	71.2

The average EMTR for the first \$600 of earnings is 76.5%.  
The Child Support levy at \$600 gross per week is \$103.

The father's child support payments will make no difference to his estranged wife or to his children while she is receiving a benefit from WINZ. The mother of his first child, who I will assume is not on a benefit, will suddenly find her child support payments halved.

While the father's net financial contribution to his family might be very small, he has a financial incentive to stay and be financially supported by family support and accommodation benefits targeted towards his partner and children, however demoralising that may be. The mother, however, has a significant financial incentive to induce a separation. If she is to do so, she must do so in a way that minimises the chance of her partner gaining custody of their children.

Of course most parents do not calculate their effective marginal tax rates and then decide whether or not to separate on that basis. Most of the time they stay together because the non-financial incentives to do so exceed any financial incentives to separate. The analysis here, however, focuses on the financial incentives, which become important when the relationship is stressed. Furthermore, the financial circumstances of many ordinary families create just the stress that leads people to separate when the financial incentives favour separation. Financial and non-financial factors favouring separation can be mutually reinforcing.

## **SOCIAL AND INDIVIDUAL CONTRACTS FOR REPRODUCTION**

Families are fiscally exploited. Families in general and fathers in particular find themselves in this situation because the social contract that underpins social reproduction has been repudiated by the culture of the WINZ and IRD agencies, and by the legislation that underpins that culture. The official view is that reproduction is essentially a private matter.

The state has a financial interest in the family staying together. The total amounts of benefits payable to a four-person family are significantly higher if the parents separate. Furthermore, the demand for housing increases as separated families increase the number of households. The rental value of the housing stock rises, and accommodation supplements payable to non-separating families increase. In a sense, the state assumes that the demand for parental togetherness is "price inelastic". The government taxes price-inelastic commodities (eg petrol, alcohol), and treats nuclear families like such commodities.

How can we improve this situation which leads to the destruction of financially pressured families, which can render caregiving fathers quite helpless, and which carries considerable fiscal risk to the state?

It is necessary to make explicit the two distinct contracts which govern family life at each of the macro and micro levels. Parents have obligations to each other, and society as a whole has contractual obligations to parents.

At the macro level is the social contract between the state (representing society as the collective beneficiary or reproduction) and the population of reproductive age. The purpose of this unwritten contract is to bring into the world a new generation, both large enough and capable of supporting their parents' generation and maintaining the traditions and culture that ensures that the life of a society is indefinitely long. From the perspective of the social contract, children are a gift from parents to society. Society as the beneficiary of that gift, has the commonsense reciprocal responsibility of investing in its bequest. Society dies in the absence of the ongoing gift relationship that is initiated by parents.

At the micro level is the contract between father and mother. The decision to conceive a child, or to stay together and raise a child whose conception was not planned,

constitutes a contract to together gift a young person to society. From the point of view of fathers, the fulfilment of their contract involves both making a difference financially and being an active caregiver. This applies whether or not they are custodial parents.

The nature of the parental contract has become more explicit in recent years, as the weight of case law relating to the 1991 Child Support Act emerges. For example, a recent judgement (*NZ Herald* 1999c) confirms that a lesbian co-parent had a parental contract with respect to the children her former partner gave birth to. At the same time, the biological father, a friend who donated his semen informally, did not have a parental contract with the mother.

The social contract implies public support for all parents. As a part of that obligation, the state needs to maintain an environment that is supportive of parents who wish to support their children. A welfare state that targets families rather than individuals within families can lead to fathers in particular becoming financially redundant. Their contributions make little difference; they are not recognised as being important. Indeed, as the above example suggests, fathers are often a financial burden on their families.

The targeting state in New Zealand takes the view that all support for children should come from the parents, and that the state's role is only to pick up the pieces when adequate parental support is missing. Hence, the current philosophy of the domestic purposes benefit is that it is a backstop for the support of "deserted wives". Thus, where the allegedly deserting male does make a financial contribution, it is the state and not the family that has the first call on that contribution. (The state does not acknowledge that many if not most non-custodial fathers did not leave their partners.) It is this process of benefit recovery that does more than anything to prevent non-custodial fathers from making a positive difference to their children's lives. Money levied by the IRD that goes directly to Treasury is money that fathers cannot spend on their children or when they are with their children. Nor can it be spent by the mothers of their children.

The contract between parents is more than a financial contract. It is also a contract to share in the caring of their children. So any incentives that set a mother's financial interest in opposition to the father's undermine the ability of parents to care for their children in a mutual and cooperative way. Instead, these kinds of rules beget legalistic solutions, through an adversarial legal system which virtually obliges both parents to spend money on lawyers instead of on themselves and their children. Lawyers are hired to help either side prevail in conflict, and not to act in society's interest or in the mutual interest of the family members. Intra-family conflict is a case of the "Prisoners Dilemma" situation (explained in many economics textbooks) through which a lack of cooperation between the interested parties leads to a "lose-lose" situation.

### **SOLUTIONS (1): A NEW CONTRACT BETWEEN PARENTS AND THE STATE**

How do we find a solution to the fiscal pressures that pull families apart and render many fathers redundant as providers and as carers? It is my view that we need to

integrate the fiscal agencies and welfare agencies - WINZ and IRD - under a new culture that emphasises public property rights, which means the right of all tax citizens to draw on the social wage made possible by collective economic development. In practice that means more universal and fewer targeted benefits. The philosophy is expressed in my article "A New Fiscal Contract?" (Rankin 1997).

Essentially, it requires a shift to a "Basic Income / Flat Tax" (BI/FT) public accounting system (Atkinson 1995). I have shown in an article on the Internet (Rankin 1998) that it is possible to immediately shift to an integrated income tax and benefit system, by introducing a flat income tax at 39%, to be offset by a social dividend of \$123pw payable to all adults regardless of income. (\$123 pw is the present level of community wage for "married" persons and single persons under 25 years old.) This social dividend would be supplemented by a flexible benefit, designed to achieve "vertical equity"; treating people with different underlying needs differently. In my specific proposal, this supplementary income would be subject to an abatement rate of 25%.

So long as child support formula assessments are replaced by an individualised maintenance system, the maximum EMTR faced by anyone would be 64%, which is certainly lower than the 83% of Table 2 and the 76.5% of Table 3. Most men and women would face an EMTR of 39%. Under this proposal, the substantial majority of single-income two-parent families would be financially better off than they are at present.

As a result of such a change, all men and women who give up fulltime employment to care for children would receive a minimum of \$123 per week in addition to any employment income. Although an addition to the private income of each parent, such a social dividend serves as the financial equivalent of the parental benefit that Dara Walsh (1999) has recently called for. The individual focus of the integrated BI/FT tax-benefit culture means that the contribution of either parent does not undermine the contribution of the other.

Student Loan living allowances and repayments could be incorporated into this new structure, meaning that students would get the same universal allowance of \$123 per week throughout the year instead of living allowances. Repayments would be covered by the higher general tax rate of 39%.

## **SOLUTIONS (2): A CHILD SUPPORT REGIME THAT REQUIRES PARENTS TO NEGOTIATE**

Before decisions are made about custody, access and financial support from the non-custodial parent, it should be necessary to establish whether there was a parental contract between the biological parents. Where there is agreement that there was no mutual decision to have and to keep a baby - as in many teenage pregnancies - then it might be most appropriate to annul the father's financial liability, and his status as guardian of the child. Once conceived, the decision to keep an embryo is that of the

mother alone. With the existence of the "morning-after contraceptive" there need be no risk of pregnancy to a woman from a casual sexual liaison.

Guardianship is a concept that can form the basis of a parental contract. A father or mother should be able to concede formal guardianship rights with the agreement of the other parent. (An existing example is a mother who gives her child for adoption.) All surrogate parents - male or female - would not be guardians and would not be liable to make an ongoing contribution to the raising of resulting children. The same would apply automatically where a prostitute conceives a child. She has a contract with her client, but certainly not a parental contract.

Under this kind of legal ruling, which is fully consistent with the position that I am advocating, once a parental contract has been deemed to exist, that contract cannot be repudiated. Thus, in the case of teenage parents, where a teenage father accepted parental responsibility and was allowed to contribute as a parent, then that should be understood as a permanent contract.

When a parental contract exists, then it should be up to both parties of a separation, in the presence of a mediator if necessary, to map out their ongoing contributions and obligations. A kind of mission statement by both parents would enable practical changes as each parent's circumstances change over time. Once this process is complete, custody could be granted and the Child Support Agency could play a role in enforcing any financial component of that agreement. All such post-separation contracts would be unique to each couple, and they would involve no payments to the state in lieu of any benefits paid. The emphasis would always be on each parent seeking mutually agreeable ways of putting the affected children's interest first.

The result of this approach is that all child support payments would be set through agreement or mediation, and not through the present "a one formula fits all" assessment that operates as a *de facto* income tax. Even more importantly, the artificial separation between the providing, caring and mentoring obligations of parenthood would be bridged.

## **CONCLUSION**

Fathers need to be able to feel that they make a difference to the lives of their children, both within a marriage relationship and following a separation. They need to feel that they make a difference, as carers, as role-models, and as providers.

The state, as the institutional embodiment of society, must fulfil its contractual obligation to support its children. After all, we are talking about a process of social reproduction in which it is society collectively and not parents who gain an economic benefit from the raising of their children.

In 1990s' New Zealand, state institutions have acted to minimise the state's contribution to the raising of children while also making it very difficult for fathers to make a

difference to their children's lives. In doing so, the state confuses parental liability with parental responsibility. The result is that fathers, children, mothers and future society itself each suffer a significant loss in wellbeing. Our children deserve the best that their fathers can provide for them and share with them.

We need to remove the fiscal and welfare barriers that at present devalue both the provider and caregiver roles of fathers. We need to move towards a tripartite system of mutual responsibility for children, and not one of formulaic liability. Children, fathers and mothers all deserve a supportive environment. Moral hazard, which underpins the present cultures of both the IRD and WINZ, is not the central problem that family policy should be addressing.

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## Chapter Nine

# FATHERS – MYTHS AND REALITIES ABOUT CHILD MALTREATMENT

by  
**Felicity Goodyear-Smith**

Over the past decade or so, there has been frequent media reference to fathers mistreating their children. This paper tries to establish the nature of this mistreatment, and the extent to which it really happens in our society. It looks at the different forms of child maltreatment; when these are likely to occur and by whom; how to recognise whether a child is being abused or neglected; and the likely consequences of this. The paper moves from a discussion of child maltreatment in general to a focus on situations where the father is the accused perpetrator.

It is also necessary to define the term ‘father’. Although some reports and studies tend to label as ‘father’ any man in the fathering role, including step-fathers and mother’s boy-friends, in general ‘father’ in this paper refers to the natural or biological father of a child. This is important, because a number of outcomes for children will be very different, depending on whether they live with their natural father or with a step-father. Children in stepfather households do much worse by a variety of parameters than children in original, two-parent households.<sup>1</sup> For example, a recent United States study of 6,000 young men found that boys who grew up with absent fathers had twice the chance of ending up in jail as young men than those who remained with both their natural parents, and those who grew up with a step-father in their home had an even increased risk for incarceration (three times that of boys growing up with both their original parents).<sup>2</sup>

### WHAT IS CHILD MALTREATMENT?

Child maltreatment is the deliberate abuse or neglect of a child by an adult care-giver (usually a parent). The Children, Young Persons and their Families (CYPF) Amendment (No 121) Act 1994 defines child abuse as ‘*the harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect, or deprivation of any child or young person*’.<sup>3</sup> In general, child maltreatment is seen to encompass the emotional, physical or sexual abuse or neglect of a child or young person.

Emotional or psychological abuse is defined in New Zealand legislation as including intimidation, harassment, damage to property, threats of physical, sexual, or psychological abuse, and causing or allowing a child to witness the physical, sexual, or

psychological abuse of another person.<sup>4</sup> It is defined by the Children and Young Person's Service (CYPS) as any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a child or young person.

Physical abuse is any act that results in the non-accidental injury of a child by a parent or caregiver, either deliberately inflicted or the unintentional result of rage.

Sexual abuse is often not defined, and when it is, this can be very variable. The definition of child sexual abuse may include a range of behaviours or events considered as wrong (immoral), illegal, or harmful by different cultures and countries. How professionals deal with sexual abuse will be affected by whether they perceive it to be a crime, a sickness, or a family problem.<sup>5</sup> Some definitions may include acts not involving physical contact such as visual exposure to adult genitals and the photographing of naked children. One of the more common working definitions used by social services and in research is "*..any unwanted or negative sexual experience in childhood and/or early adolescence*".<sup>6,7,8</sup>

CYPS defines sexual abuse as "*any act or acts that result in the sexual exploitation of a child or young person, whether consensual or not.*"<sup>9</sup> Their definition includes, but is not restricted to:

- Non-contact abuse (including exhibitionism, voyeurism, suggestive behaviours or comments, exposure to pornographic material);
- Contact abuse (including touching breasts, genital/anal fondling, masturbation, oral sex, object or finger penetration of anus or vagina, penile penetration of anus or vagina, encouraging child or young person to perform such acts on perpetrator);
- Involvement of child or young person in activities for purposes of pornography or prostitution.
- Neglect is the wilful failure to provide adequate care and protection of children. CYPS includes in their definition of the neglect of children or young people:
- Physical neglect (failure to provide the necessitates to sustain their life or health);
- Neglectful supervision (failure to provide developmentally appropriate and/or legally required supervision leading to increased risk of harm);
- Medical neglect (failure to make sure the child gets medical care when needed, leading to their impaired functioning and/or development);
- Abandonment (leaving them in any situation without arranging for their necessary care, with no intention of returning);
- Refusal to assume parental responsibility to provide appropriate care or control.

Neglect is by far the most common form of child mistreatment. In 1994 about one million cases of child maltreatment were substantiated in the United States.<sup>10</sup> Nearly half of these were cases of neglect; over a quarter were physical abuse; about 10% were sexual abuse and the remainder were cases of emotional or other unspecified abuse (see chart). So it can be seen that children are about twice as likely to suffer from neglect rather than from physical abuse. Sexual abuse is far less common again, and is more

likely to be co-existing with other forms of abuse and neglect than occurring in isolation. Research shows that the various forms of abuse and neglect tend to occur concurrently: children who are not being looked after properly are more likely to be getting beatings from their parents; to be told they are stupid and bad; and to be the victims of sexual molestation.

### **WHO MALTREATS CHILDREN?**

Men perpetrate the majority of sexual abuse of children.<sup>11,12,13</sup> Women, on the other hand, are responsible for the majority of non-sexual child maltreatment. This is not surprising, given that women are the predominant care-givers of children and hence spend much more time caring for children than men.

Certainly the data indicate that both mothers and fathers may subject their children to physical violence. For example, a large Canadian study which looked at 46,683 cases of child abuse handled by child protection agencies in 1993 (physical assault, sexual assault, neglect, or emotional victimisation) found that mothers were perpetrators in 49% and fathers in 31% of the total number of substantiated cases.<sup>14</sup> Biological mothers were the perpetrators of physical abuse in 39% of the substantiated cases and biological fathers in 40% of the substantiated cases. Mothers were perpetrators in 79% of proven emotional abuse, and 85% in cases of neglect.

In 1996 almost 1 million United States children were identified as victims of substantiated or indicated abuse or neglect. Almost two-thirds of the perpetrators were women; 75% of neglect was associated with female perpetrators, while almost 75% of the sexual abuse cases were associated with male perpetrators.<sup>15</sup>

Most studies indicate that women kill their children at least as frequently as men.<sup>16,17,18,19,20</sup> However these figures combine a number of quite different phenomena. While women are far more likely to commit infanticide (kill their new-born babies), men are more likely to carry out fatal attacks on older children.

Children are at the greatest risk of all forms of child abuse when they are being raised by solo mothers, without input from the fathers.<sup>21,22,23</sup> It is ironic that so often current child protection policies result in the removal of children from father's care. Children from single family homes (which are predominantly solo-mother households) are also much more likely to develop a wide range of social and health problems than children from two parent homes. This includes conduct disorders, juvenile offending and substance abuse,<sup>24,25</sup> criminal offending,<sup>26</sup> and adolescent attempted suicide.<sup>27</sup>

While child maltreatment can potentially occur in any family, certain families are high risk. Children from all social strata may be maltreated on occasion, but child abuse and neglect is highly associated with poverty and with multi-problem families (who have difficulties such as parental alcoholism and drug abuse; psychiatric illness; domestic violence and social isolation). As well as single parenting, child abuse and neglect is strongly correlated with poorly educated parents; unemployment; poor housing; and

welfare reliance.<sup>28</sup> Children resulting from unplanned pregnancies (including those where abortion or adoption has been considered) are also at greater risk of abuse or neglect.<sup>29,30</sup>

Children are at far greater risk of abuse from step-parents than from natural parents. The Christchurch Health and Development Study has collected data from a birth cohort of over 1200 youngsters since 1977. A study of 1019 members of this cohort when they were aged 18 year-olds found an overall prevalence rate of child sexual abuse of 10.4% (n = 132).<sup>31</sup> Sexual abuse included incidents that were not identified as abusive by those interviewed and ranged in severity from intercourse down to leering and suggestive comments. Only 2 (1.5%) of those cases involved natural parents as perpetrators but 22.5% of accused offenders were step-parents. A number of other studies also have indicated that step-fathers are far more likely to engage in serious sexual abuse with their step-daughters than natural fathers.<sup>32,33,34</sup> For example, Finkelhor found that *“a step-father was five times more likely to sexually victimise a daughter than was a natural father”*.

Biological fathers who form strong early attachments with their children and who are actively involved in their children’s nurturing are far less likely to abuse them. Paternal support in the form of affection, promotion of independence, and positive modelling / fairness reduces the likelihood of abuse. Furthermore, a strong father / child bond acts as a mitigating effect, reducing the chance of children developing ongoing problems should they suffer maltreatment in the future.<sup>35</sup>

### **HOW DO WE KNOW IF A CHILD IS BEING MALTREATED?**

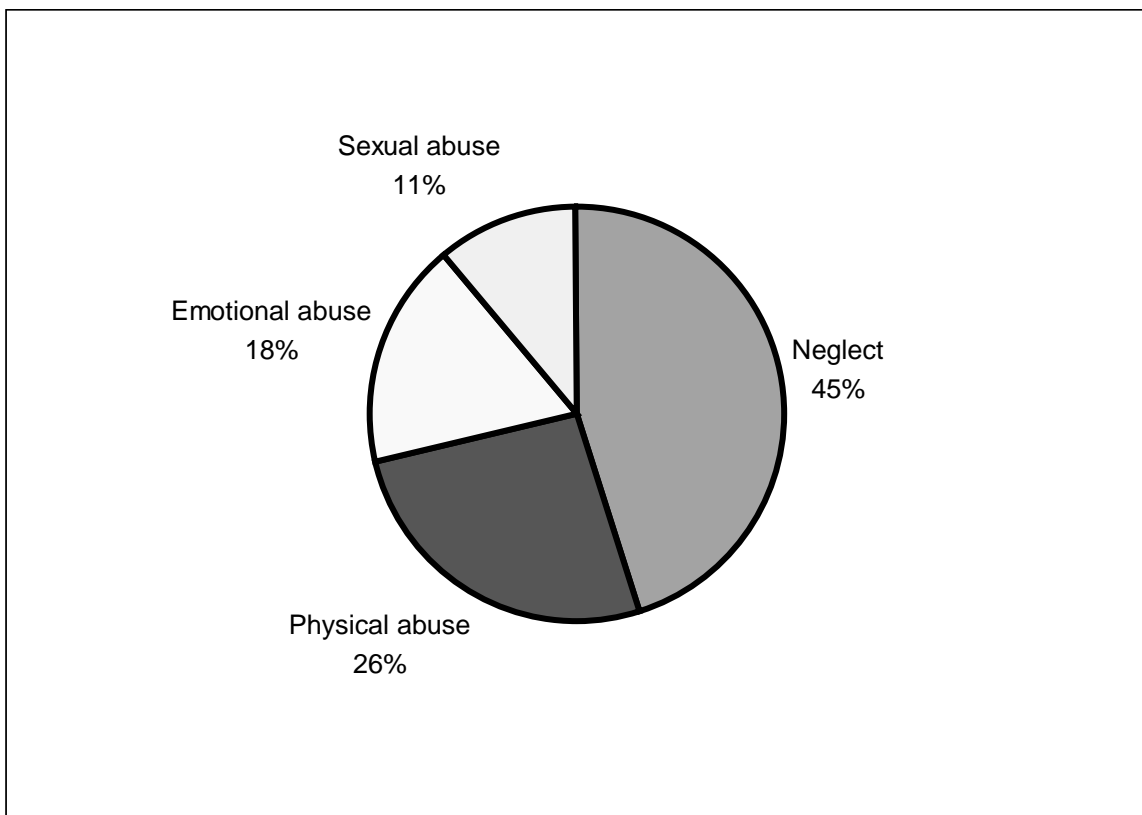
Whenever a suspicion of child maltreatment occurs, there are four possibilities with respect to its detection. Firstly there is a true positive: an abused or neglected child is accurately detected and appropriate management is instigated. There are also true negatives: the suspicion is shown to be unfounded, and the problem which alerted the suspicion is shown to be caused by something other than child abuse (for example, an accident; illness or misinterpretation). However sometimes there will be errors: either of omission (false negatives) or commission (false positives). In a false negative, a maltreated child is not identified and hence remains in a potentially harmful situation. This situation may also leave other children at risk. There are a number of reasons that under-reporting might occur on occasions.

To avoid this possibility, there has been a tendency for health and social services to over-report and over-diagnose child maltreatment, to err on the side of caution. Often the adverse consequence of a false positive, where a non-abused child is wrongly assumed to have been abused, is not considered or is given inadequate consideration. Even if abuse is later shown to be unfounded, the investigation process shakes the foundation of secure family life at best, and is undoubtedly traumatic for children and their families.

Once an accusation has been voiced, there is no going back. Even an acquittal in a subsequent court case may not restore normal parent-child relationships or even access for the acquitted parent, since Family Courts operate on a lower standard of proof than Criminal Courts and often deny access on the less rigorous evidence that a child may still be in danger. When sexual abuse is alleged, children are frequently referred to counsellors at the onset, and the negative effects of receiving months or years of counselling for a trauma that never occurred are unknown but potentially extensive.

Over-reporting of a mixture of true and false incidents can also swamp available services and resources. It is difficult to know how many accusations are considered to be unfounded, although the problem appears to be mounting. In the United States in 1975, 35% of all child abuse allegations nation-wide were unsubstantiated. A decade later in 1985, that figure had risen to 65%, an increase attributed to excessive concern about the problem, and over-reporting.<sup>36</sup> 1994 data from the United States National Committee to Prevent Child Abuse found about 70% of - over 3 million alleged victims were reported to child protective services but only about one million of these were substantiated.<sup>37</sup>

**Box 1: United States National Committee to Prevent Child Abuse 1994**  
Substantiated cases of child maltreatment reported to child protective services in the USA in 1994 (n = 1,000,000)



Every one of those cases went through some form of social service investigative procedure. Such overwhelming of services can mean that not enough help is available for those who really need it.

In New Zealand and overseas, a growing number of cases are reported where children who have not been abused have made false allegations, and come to sincerely believe they have suffered sexual molestation when nothing has happened.<sup>38,39,40</sup> This situation can be as damaging to children as genuine abuse, and they may exhibit the same symptoms of distress and trauma.

Whenever a suspicion of abuse and neglect arises, it is important to also explore whether there are alternative explanations for the allegations and findings. For example, malnourishment; late presentation of health problems or failure to comply with treatment; and avoidable accidents such as poisoning and scalding may all suggest neglect, but there may also be other causes (for example, the malnourished child is suffering from an illness). Similarly, injuries including bruises and fractures may be the result of genuine accidents as well as of physical abuse.

False sexual abuse allegations can result from a number of contaminating factors.<sup>41</sup> Of significant concern is the possibility that health workers may influence the nature and content of the allegations.<sup>42</sup> A child who has not been abused may come to say things have happened through being interviewed by someone who, perhaps subconsciously, prematurely decides the accusation is true. For example, the questioning adult inadvertently reinforces a 'disclosure', by repeating a question to which the child has already answered 'no'.<sup>43</sup> This tells the child that her initial reply is not believed and/or strongly indicates which is the 'correct' way to go. She may be encouraged that it is now safe to "tell", that she need not be scared any more. If the child eventually answers "yes" to a repeated question, she may be rewarded with praise for being brave, she may receive a drink or a biscuit or she may be reinforced by having the interview finally finish.<sup>44</sup> A child's story may also be contaminated by the use of suggestive or leading questions, stimuli or gestures,<sup>45,46</sup> or by exposure to coaching or post-event misinformation.<sup>47,48</sup> Findings on genital examination which are variants on normal, or caused by nonabusive accident or illness, may be wrongly assumed to be the result of sexual abuse.<sup>49,50,51</sup>

A wide range of emotional and behavioural problems, such as hyperactivity and delinquency; bed wetting; eating disorders; bullying; or poor school records may all result from emotional or sexual abuse, but none of these are specific or pathognomonic, and often occur in the absence of abuse. Where parents are separating, children commonly manifest behavioural, emotional or somatic reactions, hence these signs of stress do not necessarily indicate that a child is being maltreated.

It is important that the context in which an allegation has arisen is considered. The chronological history of events should be examined. How has the suspicion of abuse arisen? Has the child made an allegation? Or has someone else expressed a concern that perhaps this child is being abused? While not fool-proof, scales and protocols have been established to estimate the risk of child maltreatment occurring in specific circumstances,<sup>52</sup> and to assess the likely validity of a specific child's testimony.<sup>53</sup>

## **THE EFFECTS OF CHILDHOOD ABUSE AND NEGLECT**

In general, psychopathology appears to be more a consequence of being raised in a dysfunctional family environment rather than the result of any specific form of maltreatment.<sup>54</sup> As reprehensible as child sexual abuse is, overall, studies have failed to demonstrate that there is a causal relationship between childhood molestation and any specific psychological disorder in either childhood or adulthood.<sup>55,56</sup>

The 1988 Bushnell et al. study interviewed 301 women previously identified in a cross-sectional mental health study of 1498 adults from the general population of Christchurch city.<sup>57</sup> Respondents were women aged 18-44, who met criteria for affective, eating or substance abuse disorders, plus a 12% random sample. They were asked if anyone in their family had any kind of sexual contact with them when they were growing up. The researchers found that women who had experienced depression, substance abuse or eating disorders had a slightly increased chance of giving a history of intrafamilial childhood abuse, although this only reached statistical significance for depression. Sexual abuse was seen as one of many factors contributing to the development of an adult disorder.

The Otago Women's Health Survey involved use of a questionnaire sent to 2000 women randomly selected from the electoral roll, which included a question as to whether they had ever experienced sexual abuse as a child or adult.<sup>58</sup> The Otago study found that only one in five women reporting sexual abuse as a child developed a psychiatric disorder.<sup>59</sup>

The Christchurch Health and Development Study is a longitudinal study of a birth cohort of 1265 children born in the Christchurch urban area during mid-1977. These children have been studied at birth, at 4 months, then annually up to age 16, and again when they were 18. At 18, the young people underwent an extended interview on mental health issues, including questions relating to unwanted sexual activities before they were 16 years old.<sup>60</sup> In this study, researcher Prof David Fergusson found that those reporting childhood sexual abuse had an increased rate of depression, anxiety, substance abuse, disturbed behaviour or attempted suicide than those not reporting sexual abuse, and when confounding factors such as family dysfunction were adjusted for, that 10 to 20% of the risk of psychiatric disorder in young adults might be accounted for by exposure to child sexual abuse.<sup>61</sup>

It appears that just as a history of childhood sexual abuse is not necessary for the development of any particular psychiatric or adjustment disorder as an adult, not all people exposed to childhood sexual abuse develop such problems. In the Fergusson study, 24% did not appear to show any disturbance as eighteen year olds. The Bushnell et al. researchers commented that they could not determine whether any relationships observed in their sample were caused by sexual abuse itself or the characteristics of families in which such abuse occurred. In the Otago study, which used the Present State Examination, 82% of those reporting abuse were not psychiatric cases. These figures are in keeping with international studies which indicate that a significant percentage of people who have been sexually abused do not appear to have suffered either short-term

or long-term harm, although these figures should not be misused as some sort of acceptance of such behaviour.<sup>62</sup> The simple explanation is that most people are hardy and demonstrate resilience while a minority are vulnerable and develop a wide range of problems. This vulnerable group demonstrate responses which are both idiosyncratic and unpredictable.<sup>63,64,65,66,67</sup>

The Otago study found that many subjects who had been exposed to severe child sex abuse showed no long-term psychiatric disorders, and most of those who had developed problems had concomitant histories of family violence or emotional neglect.<sup>68</sup>

In another recent survey, five different forms of maltreatment of children and adolescents (physical abuse; physical neglect; verbal abuse; emotional neglect and sexual abuse) were rated for their effect on psychopathology. Neglect was found to have the greatest ill-effect, and sexual abuse, if it occurred in isolation from other forms of child maltreatment, the least ill-effect.<sup>69</sup> Physical and verbal abuse accompanying neglect caused the greatest long-term damage. The current over-emphasis by agencies such as CYPS and Rape Crisis with child sexual abuse, which probably represents only about 10% of all cases of child maltreatment and is less likely to have long-term ill effects than child neglect, means that detection and management of other forms of child maltreatment may be relatively neglected.

Children who suffer abuse and neglect clearly have an increased chance of adult problems. Needless to say, family dysfunction correlates with both childhood abuse and later problems as an adult. However, young people are very adaptable, and the majority will demonstrate resilience. A recent meta-analysis showed that only 10-15% of sexual abuse victims got worse over a two-year period following victimisation.<sup>70</sup> To date, there is no evidence to demonstrate that any form of child sexual abuse psychotherapy has a beneficial effect and improves the potential outcome compared to children who receive no treatment.<sup>71</sup>

Although 'behavioural indicator' lists were promoted in the 1980s to identify victims of child sexual abuse which included a variety of symptoms and behaviours, such as bedwetting, nightmares, over-eating, shyness, fearfulness or being too bold<sup>72</sup>, it is now realised that none of these are specific indicators. Antisocial behaviour, regressive behaviour such as thumb-sucking or bedwetting, psychosomatic disorders such as stomach-aches, or other behavioural problems such as nightmares, may result from sexual abuse but may also result from many other causes including the stresses associated with parents separating. With the rare exception of specific markers of sexual activity (genital injuries, sexually transmitted disease or pregnancy) there are no specific indicators of sexual abuse.<sup>73,74</sup>

Data from the Christchurch Health and Development Study found that children who suffered physical abuse had an increased risk of violent offending, suicide attempts, being a victim of violence and alcohol abuse.<sup>75</sup>



Currently, there is no way to identify those children who will develop problems, although those with poor child/parent relationships and who form friendships with delinquent peers are at higher risk.<sup>76</sup>

Adequate parental support is a protective factor.<sup>77</sup> The Otago Women's Health Survey study of women sexually abused as children found that those women who had had a good relationship with their fathers as teenagers did much better psychologically as adults than would be statistically expected.<sup>78</sup> Similarly the Christchurch Health and Development Study found that good father/child bonding and a supportive affectionate father reduces the chance of adult psychological problems developing when sexually abused children become adults. Other studies have also found that childhood social support, especially father support, is inversely associated with the potential for abuse to cause adult difficulties.<sup>79,80</sup> Close parent/child relationships appears to be a protective factor generally against the effects of exposure to adversity.<sup>81,82,83,84,85,86,87</sup>

## **FATHERS AND FALSE ALLEGATIONS OF MALTREATMENT**

A growing number of non-custodial parents (mainly fathers) are unable to maintain contact with their children after separation. A recent NZ survey found that 18% of custodial parents (mostly mothers) and 15% of non-custodial parents (usually fathers) reported that the non-custodial parent had no contact with their children six months after the couple had separated.<sup>88</sup> While some of these may be the 'dead-beat dads', who walk away from their children and do not want to see them any more, there are many loving fathers denied or restricted access to their children by our social and legislative services. The most serious impediment to a father continuing to parent his children after separation is often the Family Court.

If the mother makes any allegation that the father has displayed violence (physical, sexual or psychological) the Court is likely to limit him to supervised access even if there is no substantiation that he has ever been guilty of what he is accused. This might be an allegation that he has been violent towards his child in the past, or it might be that the child has witnessed him being verbally or physically abusive towards the child's mother in the past (given that the law includes a child witnessing violence by one person towards another as abuse). The Court operates on the suspicion that his child might have been abused in the past or might be abused in the future and denies that child free access to the father.

In many cases these actions have been taken without any corroborative evidence that the father has ever maltreated his child, often based solely on the testimony of the child's mother, who is feeling angry and bitter towards her ex-partner; wishes to have no further contact with him (therefore wants to prevent his access to their children) or uses the allegations as a weapon to hurt him. Despite the fact that research indicates that women are at least as likely to engage in physical violence against their partner or child, similar accusations against her will seldom result in these actions by the Court, and in some cases can count against the accusing father.

When allegations of sexual abuse are made during a custody dispute between separated parents (and the accusing parent has considerable motive to hurt or exclude a hated ex-spouse) there is a greatly increased likelihood that the allegations are false.<sup>89,90</sup> Some studies have found that 50% or more of allegations arising in the context of custody access disputes were false.<sup>91,92,93</sup>

Frequently the risk of a father sexually molesting his children is grossly exaggerated by agencies who work in the field. For example, during the recent New Zealand Rape Awareness week Rape Crisis claimed that “*Kiwi homes are plagued by incest*” and that the most common offenders are fathers. They said they averaged over 400 incest calls per year. However 1997 Ministry of Justice figures showed that during that year a total of 1328 people were charged with sexual offences, and 720 of these (54%) resulted in convictions. Of these, there were five cases of alleged incest, four of which led to convictions. It is not specified whether those convicted were fathers or other relatives of the victim. Rape Crisis figures exceed official statistics by a magnitude of one hundred. While not wishing to under-estimate the seriousness of the crime of incest, and acknowledging that not all cases of incest will be reported to the police, despite Rape Crisis’ encouragement, the discrepancy between the figures from the Ministry of Justice and those from Rape Crisis suggests that the latter are significantly over-stating the problem.

The general climate which presents molestation of children by their natural fathers as common-place, has effected the way that many fathers interact with their children. This applies to fathers in intact two-parent families as well as separated couples. Many fathers avoid bathing their children; touching, hugging, kissing and cuddling them; reading them good-night stories alone in their bedrooms, for fear that these loving acts might be misconstrued as having sexual overtones.

## **CONCLUSIONS**

Most fathers (like most mothers) love and care for their children and wish the best for them. It is internationally recognised that children have a right to maintain contact with both parents if separated from one or both.<sup>94</sup> This is reflected in many western jurisdictions where shared or joint custody is the norm. A large body of research indicates that children do best if they are co-parented by both mothers and fathers. Support and affection from fathers is a protective factor against children developing later psychological and social difficulties. Natural fathers who have a strong and early parent/child bond and who have actively participated in nurturant child care are very unlikely to abuse their children.

A minority of father and mothers abuse and /or neglect their children. While this can occur in any social group, child maltreatment is highly associated with poverty; single parenting; alcoholism and drug abuse; psychiatric illness; poorly educated parents; unemployment; poor housing; and welfare dependence (although of course many such families do not maltreat their children).

The vast majority of fathers do not abuse or neglect their children. Children are at much greater risk of child maltreatment when they are raised by solo parents (most of whom are solo mothers – 82% in 1991<sup>95</sup>). It is therefore important to assist couples to keep their families intact wherever possible, while ensuring that the well-being and safety of children is maintained. Some low income families today find that they are effectively penalised for staying together, and they are economically advantaged if they separate, where upon the woman can go on the domestic purposes benefit and the man on the unemployment benefit. There should be financial and other incentives for couples to live and raise their children together.

Where couples do separate, it must be recognised that children are much less likely to come to harm if they can maintain ongoing relationships with both parents. Regular contact between children and their fathers should be actively encouraged and supported by our social service and the courts. The sexually discriminatory practice of giving ‘custody’ to the mother and ‘access’ to the father should cease. The Family Court should have a presumption of joint or shared custody in the interest of children’s welfare and to the benefit of our society. This should not be undermined or restricted unless there is compelling evidence that the father has abused or neglected the child in the past, and is likely to continue to do so in the future. Supervised access significantly reduces the quality of father / child interaction, and therefore is only indicated in those instances where clear evidence of past child maltreatment has been demonstrated. The courts should firmly reprimand any mother who makes false maltreatment allegations in order to restrict a father’s access to his child.

Children need and deserve both their parents. Overwhelmingly, research shows that their chance of happy, healthy and successful adulthood is greatly enhanced when they have love and support from both mothers and fathers. Common sense gives us the same conclusion. Policies, practices and legislation should award mothers and fathers equal rights and equal responsibilities. It should be presumed that parents love and care for their children, and have their best interests at heart, unless there is compelling evidence to the contrary.

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## Chapter Ten

### ABOVE AND BEYOND THE BEST INTERESTS OF THE CHILD

by  
Mark Henaghan

The “best interests of the child”, or the “welfare of the child” principle as we know it, has been central to legal decision-making about children for the whole of this century. As we reach the end of this century I want to reflect on where we are with the principle, where we have been with it, and where we might go with it.

#### EXAMPLE

Moana and Gilbert have been married for 10 years. There are two children of the relationship, Riki aged 10 and Suzie aged 3. The relationship has broken up because Moana had an affair with another man. When Gilbert found out, he became very angry and struck Moana twice. This is the first and only time Gilbert has struck Moana. Moana has left to live with the other man and taken the two children with her. Moana is concerned about leaving the children alone with Gilbert because twice she caught him in the bath with Suzie, and he appeared to have an erection. Moana is also concerned with Gilbert’s violence and that it might be taken out on the children. Moana strongly believes that if the children live with her they are more likely to remain in contact with their Maoritanga. Moana wants to move with the children and her new partner from Christchurch to Dunedin. Gilbert believes Moana is alienating the children against him. He is very close to Riki. Both parents want custody of the two children.

#### THE PRESENT

The emphasis in the 1990’s is for the parties to make their own decisions aided by the processes of counselling and mediation. Because there are allegations of possible sexual abuse and violence in this case it is most likely to go to a court hearing. The “unacceptable” and “real” risk tests mean that unless the risk can be *dismissed* the Court will have to take it into account. Thomas J in *S v S*<sup>1</sup> said that the Court should be “completely satisfied” before dismissing an allegation of sexual abuse. Psychological evidence will be called to assess whether the children show what are called “indicators” of sexual abuse. The philosophy is to err on the side of safety. There will also have to be risk assessment of the father because of his acts of hitting the mother.

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<sup>1</sup> [1994] NZFLR 657.

The law presumes he is unsafe with the children because of these acts, unless the risk assessment and other evidence show otherwise.

Assuming the father is found to be safe, then the Court has to choose between the two parties. There are no rules or presumptions to make this decision. Each case is seen as unique on its own facts. The Court of Appeal<sup>2</sup> has said that all aspects of welfare, physical, moral and emotional should be considered. The High Court in *D v W*<sup>3</sup> have given a non-exhaustive list of factors to be considered, none of which is to be decisive. The Court would require further expert evidence on:

- (a) Strength of existing and future bonding
- (b) Parenting attitudes and abilities
- (c) Availability for, and commitment to, quality time with the child
- (d) Support for continued relationship with the other spouse
- (e) Security and stability of home environment
- (f) Availability and suitability of role models
- (g) Positive or negative effects of wider family
- (h) Provision for physical care and help
- (i) Material welfare
- (j) Stimulation and new experiences
- (k) Educational opportunity
- (l) Wishes of the child

Added to this list on these facts would be the cultural factor of the significance of growing up exposed to Maoritanga.

Finally, in addition to all these factors, is the consideration of the mother moving away from the area. There are two views on this issue — one that the custodial parent should have freedom of movement because this will make them happier and the children will benefit from a happy custodial parent. The other view is that children need close contact with both parents, and the custodial parent should curb their desire to move for the benefit of the children.

After considering all the expert evidence, and weighing all the factors to be considered the Solomonian Family Court Judge will give a decision which is justified as being in the child's best interests. We justify the complexity of this process by saying that if you want the best decision for the particular child, wide-ranging considerations must be made.

## **THE PAST**

The common law had a much quicker and simpler route. Fathers were the legal head of the household and children were under their control because that gave society stability. The father had the rights to make the decisions, the mother the duties to do what the father asked. The rationale for the father having superior rights was that it avoided the

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<sup>2</sup> G v G [1978] NZLR 444.

<sup>3</sup> 13 FRNZ 336.

possibility of dispute between husband and wife — one was always right. It was thought to be best for children because it provided harmony and protected children from divided authority which they might take advantage of. Otherwise the child would be the “shuttlecock of its father’s and mother’s idiosyncrasies.”<sup>4</sup>

When the welfare principle became codified an early emphasis which dominated decision-making was the moral welfare of the children. Moana would have been seen as an adulterous wife who broke up the marriage for her own selfish purposes. These children would not be allowed to become the continual witnesses of the "triumph of evil". The 1924 case of *Van de Veen*<sup>5</sup> is the high point of the emphasis on moral well-being:

“When the petitioner joined the Australian forces and sailed for Europe for service in France he left the respondent in charge of his home and children. On his return he found that the respondent... [was living] with the co-respondent. She refused to leave the co-respondent and run to the petitioner. She is now the wife of the co-respondent. If the custody of the children were given to her she would no doubt be their guardian in name, but in fact they would be in the custody of the co-respondent, who, when the petitioner was risking his life in the service of his country, crept into his house, seduced his wife from her allegiance, and brought shame and domestic ruin upon him. To suffer such a consummation would be to put a premium on treachery and immorality, bring additional and intolerable shame upon the innocent victim, and to condemn the children to be the continual witnesses of the triumph of evil.”

As the century progressed two other rules of thumb emerged. The mother principle applied to young children, which would mean placing Suzie with her mother. The father principle for boys 5 or older, which would mean placing Riki with his father. These principles were not based on any scientific evidence but on the belief that children need the nurturing of a mother when young and that a boy needs the guidance of a father when he gets older. In the past, decisions were easier and more predictable to reach because the rules of thumb kept the focus on fewer relevant facts. Individual parenting qualities were not significant. The “best interests” reflected what society thought was generally best for children. Fewer cases were contested because the rules of thumb made it clear what the likely outcome would be. It was in 1981 that the rules of thumb were removed by s.23(1)(A) of the Guardianship Act 1968 which said that there is to be no presumption in law that one parent is better able to care for children because of their sex. The year 1981 was the same year the 21 grounds of divorce which provided much litigation were replaced by a simple rule of two years living apart. The removal of the simple rules of thumb in custody cases opened the door to the wide ranging considerations we now have with the consequent growth of litigation in this area since 1981.

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<sup>4</sup> Major Sir B Falle, House of Commons, Vol 141, 1921, C1407.  
<sup>5</sup> [1923] NZLR 794.

## **THE FUTURE — WHERE SHOULD WE HEAD?**

There is general agreement that ongoing conflict about children is harmful for all involved, particularly the children. A number of different strategies have been suggested to reduce conflict.

### **(a) Divorce Gospel Style**

The United Kingdom has put faith in parent education which tell parents how to relate to one another and their children. They will all see the light, and not fight over their children. The divorce process begins with an information meeting. Originally it was to be an information session which would have resembled something like “alcoholics anonymous” and the public discussion of private concerns. This would have deterred many from starting the process of divorce, and may, depending on your views on divorce, have been a good or a bad thing. The purpose of the information meeting is to explain the support services available, to emphasize the importance of the children’s welfare, to explain the financial issues that need attention, and to explain the divorce process. The underlying political agenda is “support marriage, slow the pace of divorce and cut costs, not least to the tax payer.”<sup>6</sup> The weaknesses in this solution are three fold. One, it only applies to married couples whereas de facto relationships are on the increase. Second, it may make little difference to that small percentage who fight over the children. Third, the time and money spent on administering it will decrease the money available to those who need legal representation to defend their basic rights. At present the excellent information pamphlets prepared by the New Zealand Law Society, and the Department for Courts are more than adequate.

### **(b) Conciliation Services**

Professional mediators along with specialist advisers will help find a solution, and conciliate them out of conflict. This was a solution put forward by the Boshier Report.<sup>7</sup> Again there are two major problems. One is the cost of setting up separate mediation services with specialist support staff to advise on the needs of the children. The other is the shift away from law and basic rights and responsibilities. Mediators can not be totally neutral and neither can the expert advisers on children’s needs. Outcomes will depend on the particular mediator and particular adviser. There will be less emphasis on the external measures which the legal framework provides. The advantage of Judges as “mediators” is that they are well aware of the legal framework.

### **(c) Dispute Tribunals**

A paper prepared for the Law Commission suggests Dispute Tribunals as the answer. A referee hears both sides, and if they cannot agree, makes a ruling for them. This simplifies the process and may save costs, but has the unfortunate effect of giving total control to the referees. Family law would become palm-tree justice writ large. It would compound problems of inconsistency, and there would be no legal basis for decision-making, or advising clients.

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<sup>6</sup> M Freeman, “Divorce Gospel Style,” (1997) 27 Family Law 413.  
<sup>7</sup> 1993.

#### **(d) Change the Legal Language**

The assumption here is that language affects people's behaviour. Words like custody and access are seen as promoting a winner and loser. "Responsibility" emphasises a duty towards the child rather than a right to the child. It is the language used in the 1989 UN Convention on the Rights of the Child — "Both parents have common responsibilities for children".<sup>8</sup> The most developed model of this approach is in Scotland where parental responsibilities are defined alongside the necessary rights to exercise those responsibilities.

#### ***Children Scotland Act 1995***

A parent has in relation to his children the responsibility—

- (a) to safeguard and promote the child's health, development and welfare;
- (b) to provide, in a manner appropriate to the stage of development of the child—
  - (i) direction;
  - (ii) guidance, to the child;
- (c) if the child is not living with the parent, to maintain personal relations and direct contact with the child on a regular basis; and
- (d) to Act as the child's legal representative, but only in so far as compliance with this section is practicable and in the interest of the child.

#### ***Rights***

- (a) to have the child living with him otherwise to regulate the child's residence;
- (b) to control, direct or guide, in a manner appropriate to the stage of development of the child, the child's upbringing;
- (c) if the child is not living with him, to maintaining personal relationships and contact with the child on a regular basis;
- (d) to act as the child's legal representative

Family Court Judges in New Zealand have emphasised joint responsibility in a number of ways, both in judgments and in articles.<sup>9</sup> As the law stands in most cases, there will be joint responsibility for decision making, because both parents will normally be guardians. Changing the language to "responsibilities" will make this explicit.

#### **(e) Rules**

The case by case, factor by factor approach, depends totally on which factor or factors the particular Judge wants to emphasise. For example in *Powell v Duncan*<sup>10</sup> the Family Court emphasised cultural well being over stability of environment. The High Court on the same facts emphasised the stability of environment over cultural well being. In *J v*

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<sup>8</sup> Article 8. The report is an excellent detailed summary of all the issues that face the Family Court.

<sup>9</sup> Eg *Makiri v Roxburgh* (1988) 4 NZFLR 676. *Windfuhr v Lewis* [1990] NZFLR 264 Judge von Dadleszen [1995] New Zealand Family Law Journal 263.

<sup>10</sup> [1996] NZFLR 722.

A<sup>11</sup> in the High Court the “parental alienation” of the mother and the need for the boy to see his father were emphasised over the continuity of environment with the mother. The Court of Appeal emphasised continuity of environment over the parental alienation and father/son relationship. As more factors emerge the possibility of different results on the same facts becomes even greater.

The factors themselves have become more dependent on findings which are not strictly findings of fact, but findings based on social science theory such as “bonding”, “attachment”, “psychological parent”, “parental attitude”. An example of the powerful effect psychological theory can have is the famous case of *Painter v Bannister*.<sup>12</sup> The case was between a father and his grandparents. The children had been living with his grandparents. A psychologist gave evidence that the grandparents were the psychological parents and that “the chances are very high [the child] will go wrong if he is returned to his father.” How can anyone make such a prediction?

These are similar trends in Australia, the United Kingdom and the United States of America, to provide lists of factors which when looked at closely are not amenable to findings of fact. For example “capacity” of parents and “attitude” of parents are matters of opinion rather than fact. A factor such as the “effect” of change on a child can only ever be a matter of speculative opinion. The test for expert evidence put forward in the *Daubert*<sup>13</sup> case requires that the techniques used to gather expert evidence must be tested or be at least testable, and that actual or potential error rates need to have been considered. At present the “techniques” for measuring parent capacity or psychological parenthood have not been tested or considered for error rates. Nor is it likely that they could be so tested because concepts like capacity do not have a readily agreed content. Also, amongst the social scientists there is, as there is in any healthy field of inquiry ongoing disagreement of what is best for children.

At present the outcome of cases depends on the emphasis of the particular s.29A reporter, the position counsel for the child takes, and the particular factor(s) the Judge chooses to emphasis in the particular case. In short, the best interests test is personal and individualised. It attempts to look into the future. It is idealistic and attempting to do the best. It is totally dependent on the judgments people in authority make about the particular litigants. The basis of the system is personal judgment in consultation with the personal judgment of others who have experience of working with family break-ups. Complaints about the Family Court are not directed at the law but at the individual behaviour of s.29A reporters or Counsel for the child.

The legal process has limits on what it can do for families. The social science literature describes family break-ups as a process which has ongoing effects for all involved. Whether this is true or not, the Family Court is only in the family’s life for a brief

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<sup>11</sup> [1994] NZFLR 205.

<sup>12</sup> 258 Iowa 1390, 140 NW 2d 152. 385 US 949 [1966].

<sup>13</sup> (1993) 125 L Ed 2d 469. For a superb critique of the limits of social science evidence in this area, see J. Caldwell, “The limits of s.29A reports in custody hearings.” [1995] Butterworths Family Law Journal, 188.

period. The most the Court can do is give the parties the opportunity to make their own solutions in counselling and mediation, and where that is not possible make decisions for them. If parliament is not prepared to give clear rules on how those decisions are to be made, then Family Court Judges as a group with experience can begin to define more specifically by the use of rules what is likely to happen when decisions have to be made. This will give the court authority as a court where decisions are based on rules of law applied consistently rather than open-ended factors where the outcome depends too much on the particular Judge, and the particular expert evidence given in the case. There is always room for interpretation with rules and the need for exceptions, so lawyers and judges will have some room to move. But the strength of rules is that arguments must be made in terms of the rule which places a restraint on decision makers, and provides an objective measure for the outcome.

The other advantage of rules is that they make clear what the values are. For example when matrimonial property law moved to a 50/50 sharing of the home and chattels it was clear what marriage as a partnership meant. The Protection of Personal and Property Rights Act 1988, prioritises clearly what the values are when intervention is necessary into a person's life. At present the "best interests" or welfare test does not in itself have any specific values. The factors list some values but do not prioritise them. The only area where values are prioritised is s.16B of the Guardianship Act where the presumption of unsafety prioritises safety over contact. A very important function of law is that by prioritising values standards are set for society.

Rules are blunter and are by no means the perfect solution but they have some important differences from the current approach. They simplify what has to be considered, they cut through the mass of detail. They give advanced notice of what will happen. They apply to all on the assumption that while everyone is different and unique, there are also common characteristics of separating families.

The primary function of a Court system is to decide who should have responsibilities and rights where there is conflict. It is precisely because there is disagreement, socially, politically, and psychologically as to what is best for children, that the law provides the crucial role of drawing a line. The law by the nature of its authority can save us from endlessly reopening what is best. Imagine if we left whether abortion was right or wrong to the discretion of individual judges and experts. Every case would be a major battle running through all the disagreements. Instead, the law has said it is right under certain conditions. The moral debate can go on forever along with the political debate, but in the meanwhile citizens know where they stand when it comes to making their choices on abortion. It is not a matter of a whether the law is right or wrong, it is a matter that without law there would be no authority for continuing to get on with our lives. Authority to be effective must be reasonably clear and specific, and not open-ended and vague.

A system of rules gives the authority to the rule and not the people. People may not always like the rule and are still likely to get angry at the rule from time to time. But at least they know the same rule would just as equally be applied to others.



Rule based decision-making does not allow for all the variations of each case. But given the wide array of factors that now have to be considered, and the wide range of opinions on those factors the chances for error are high — “with some frequency, decision-making institutions designed to make the best decisions in each particular case produce an incidence of errors higher than that would have resulted from decision procedures with more modest ambitions.”<sup>14</sup> Rules are devices for limiting the personal preferences or opinions of decision-makers and experts. Their force is not just felt in the particular case, but in every case. When rule based decision-making operates, the most likely error is to fail to make the optimal decision. But, as there is no clear consensus on what the optimal decision is for children this is not a major problem in this area. With particularised decision-making the most likely errors will be because of bias, personal preference, or simply confusion.

Mason and Quirk<sup>15</sup> studied the outcomes of 100 cases per year at different time periods. In the 1920’s 46% of contested custody cases went to mothers, 35% to fathers. In 1960 50% went to mothers 36.7% to fathers. These results were achieved under a rule based approach of the mother and father principles. In the 1990s much more expert evidence was produced in Court, but there was little change in outcomes in terms of % of mothers and fathers obtaining custody. In both 1990 and 1995 44% of mothers and 45% of fathers obtained custody in contested cases. The main increase was in joint custody orders which increased from 2.8% in 1960 to 9% in 1995. The main decrease was in the decline of awards of custody to third parties. In the 1920s, children were awarded to parties other than the parents in 11% of cases. By 1995 only 1 per cent of cases were awarded to non-parents. There is no measure of whether better decisions are being made because of the introduction of expertise and wider discretion. What is clear is that the pattern of outcomes in terms of mothers and fathers has not changed a great deal.

## **WHAT SHOULD THE RULES BE?**

The difficult part is coming up with rules. The way I have proceeded is to base the rules on the current outcomes of decided cases. The outcomes show what values tend to be prioritised most of the time. In terms of how the common law has developed, the outcomes reflect what the custom is. The strong tradition of our case law system is not to draw propositions of law from what a Judge says, but from what a Judge does on the particular facts of the case.

A survey of reported custody decisions from 1990-1998 shows that in over 70% of these cases which are the most difficult and most contested cases, the status quo is maintained. If non-contested cases are also considered the figure may be more like 90%. By building rules around this reality, and the exceptions to it commonly accepted by the Courts, the beginnings of a rule based system is already established. Judicial statements in the Court of Appeal<sup>16</sup> have said there is no presumption of the status quo,

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<sup>14</sup> Frederick Schauer, *Playing by the Rules*, Clarendon Law Series 1991, 144.

<sup>15</sup> [1997] F.L.Q. 215.

<sup>16</sup> *Chapman* [1993] NZFLR 408.

but it has also been said in the Court of Appeal,<sup>17</sup> the High Court,<sup>18</sup> and the Family Court<sup>19</sup> that wherever possible there should be minimum disruption to a child's life when parent's separate. Continuity and stability of environment has been a predominant value.

There are two judgments which set out the open-ended criteria criticised in this paper - namely *G v G* (Court of Appeal)<sup>20</sup> and *D v W* (High Court).<sup>21</sup> These judgments are commonly quoted in decisions in custody. But what is said about the open-ended factors in these cases is strictly only obiter dictum, because in both cases, the decision on the facts was to leave the children where they were. Both decisions remained with the status quo. In *BP v DGSW*<sup>22</sup> the High Court, after emphasising the importance of the Treaty of Waitangi and placement within the whanau, still left the child where she was. To remove the child into the whanau was held to create a "major disruption for the baby". Fisher J says in *D v W* "disruption to the status quo should be avoided." The most recent appeal to go to the Court of Appeal on custody, *J v A*<sup>23</sup> upheld the status quo. If this is in fact what we are doing we should make it explicit. The immediate concern with a rule based around the status quo is that it could be seen to encourage child snatching. There are two responses to this. One is that the person who snatches the child for no good reason is changing the status quo and therefore should not be supported in the outcome, they have disrupted the child's life. Second, at the time of break-up parties tend to follow the pattern of child-care before break-up. The person who had been carrying out the predominant care tends to continue, and if it was joint then that will continue. In fact if a rule is based around the status quo that encourages a parent to be actively involved, after break-up. A parent who prevents involvement of the other parents for no good reason can be seen as a situation where there should be a quick access to the Family Court to remedy the situation. The status quo is also generally better for children, why should things change for them?

It has also been said numerous times<sup>24</sup> in the Family Court, as well as the High Court, and the Court of Appeal that the continuing involvement of both parents in a child's life after a relationship ends is important for the child. Stopping the involvement of a parent in a child's life is the exception rather than the rule.

Article 19 of the 1989 United Convention on the Rights of the Child requires measures to protect children from physical or mental violence, injury or abuse, neglect, mistreatment or exploitation including sexual abuse. Article 19 talks in terms of actual violence or maltreatment to the child, not risks of violence or maltreatment. To stop contact because of "risk" rather than proof of harm is to go further than the United

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<sup>17</sup> *G v G* [1978] NZLR 444.

<sup>18</sup> *D v W* 13 FRNZ 336.

<sup>19</sup> See para 6.115 Butterworths Family Law Service for numerous decisions reinforcing this.

<sup>20</sup> [1978] NZLR 444.

<sup>21</sup> 13 FRNZ 336.

<sup>22</sup> [1997] NZFLR 642.

<sup>23</sup> [1996] NZFLR 205.

<sup>24</sup> See Para 6.117 *Butterworths Family Law Services* and article 9 of the UN Convention on the Rights of the Child.

Nations Convention, and to put “risk” as a priority over continuing involvement. Judges are limited to some degree by the wording of s.16B. However, risk is predicated by the word “real” which shows that there must be clear substance to the risk. Section 16B should not be read inconsistently with s.23 which requires that the conduct *affect* the child.

The final source of the rules proposed here is s.23 itself. Section 23 has always required that the wishes of the child be ascertained and that they be given weight according to the age and maturity of the child. This is consistent with article 12 of the 1989 United Nations Convention on the Rights of the Child with the substitution of the broader word “views” for “wishes”. For those who do not like the word “rules”, we could call them “principles” which does not sound as harsh. The exceptions proposed here are based on a survey of reported cases in the 1990’s which most commonly lead to a change from the status quo.

### **RULES (OR PRINCIPLES) FOR ALLOCATING THE RESPONSIBILITY OF CHILDREN WHEN PARENTS/ CAREGIVERS DO NOT AGREE**

1. Both parents have common responsibilities for the upbringing of their children. These responsibilities include deciding where the child is to live, educating the child, nurturing the child, providing a set of values for the child.
2. Where there is disagreement between parents/caregivers over where a child should live or the exercise of responsibilities, the Court will decide this matter on the basis of the minimum disruption to the child’s environment, routine, and relationships.  
The exceptions to this rule are:
  - (a) Where change is necessary to protect the child from clear evidence of physical, sexual, or emotional harm to the child.
  - (b) Where change is necessary for the safety of a parent or caregiver.
  - (c) Where the child expresses a clear view for a change, and the child understands the consequences of that view.
3. A parent has a right to ongoing contact with a child unless there is clear evidence that the contact will do physical, sexual, or emotional harm to the child, or the child expresses a clear view not to see the parent, and the child understands the consequences of that view.
4. Where a parent actively discourages the involvement of the other parent for no good reason, the Court has authority to remedy the situation by ordering increased contact.
5. If there is disagreement about the terms of contact then the Court will work on the rule of thumb basis of a minimum of a weekend every fortnight, and half the school holidays when the children are five or older (this is the most common formula used at present when there is disagreement).

When the children are under five the Court will work on the rule of thumb basis of a minimum of three sessions of a half a day each per fortnight (younger children cope better with smaller amounts of time).

If there is disagreement over Christmas Day, it will be decided on the basis of half a day with each parent, with the half days alternating each year.

6. The terms custody and access will be removed from the law. The Court, if required to make orders, will make responsibility orders. These orders will define who has responsibility for the child at what times.

It would also add to the decision-making and encouragement of positive behaviour in this area if the rights of children are also set out in the legislation.

- Children have the right to a relationship with both parents unless there is clear evidence of physical, sexual or emotional harm to them.
- Children have the right not to be exposed to parental conflict.
- Children have the right for their views to be listened to and options explained to them.
- Children have a right to their parent's co-operation over their upbringing.

### **APPLICATION TO MOANA AND GILBERT**

If the principles are applied to Moana and Gilbert the analysis would go as follows:

At present the children are with Moana, to move them again would be to disrupt their lives further. However for Moana to go to Dunedin would be a major disruption. So Moana would have primary responsibility for the children provided she remained in Christchurch. To go to Dunedin Moana would need to establish her safety is at risk. Evidence of a pattern of violence would need to be established. This is not present on the facts.

Other exceptions may come into play. If Riki wants to live with his father and he understands what that means then primary responsibility can be placed with Gilbert. There is no evidence of harm by Gilbert to Riki. If Moana is actively discouraging the involvement of Suzie with Gilbert for no good reason that can lead to an order for more contact for Gilbert. Because there is no clear evidence of sexual harm then there is no reason for preventing involvement. So Moana runs the risk if she tries to keep Gilbert out of Suzie's life that more responsibility may be given to Gilbert. Once told this Moana is not likely to continue keeping Gilbert out. Gilbert would be able to have responsibility for Suzie at least three half days a fortnight. Ideally, both parents should remain actively involved and exercise joint responsibility.

Rules will not make litigation disappear but they will make the focus more specific and they will enable better prediction of outcomes. They also have the major advantage of encouraging behaviour that will benefit children and discouraging behaviour that is not. The rules put forward here are based on an assessment of outcomes of cases — what values are in fact given priority most of the time. There still will be conflict in some

cases because of the way people are, but at least it would be resolved by the application of principles and rules rather than by personal case by case judgement.

## **CONCLUSION**

The purpose of this paper has been to ask for a re-think of where we should go. If we keep adding factors and become more and more discretionary, respect is likely to be lost for the system as a system of law. It is not easy to come up with principles and rules that meet all cases, but I strongly believe that we need to tighten up the decision-making criteria so that values are clearly prioritised rather than left open-ended, vague, and personal. For too long Family Law has relied on process as a means to resolving disputes, it is time now to use substantive rules.

## Chapter Eleven

### FATHERS - PREJUDICE AND POLICY

by  
Stuart Birks

#### 1. INTRODUCTION

There was an interesting poll undertaken in 1994 indicating falling public regard for the importance of fathers, especially by women, with support for this view from a researcher at the Office of the Commissioner for Children:

*The latest Listener/Haylen Monitor found that 60 percent of those surveyed think that children need both parents in order to grow up happily. That is a noticeable drop from 1985, when the figure was 69 percent.*

*Among some groups, the decline is more marked. Only about half the women surveyed this year thought that children needed both parents; in 1985, nearly two-thirds thought so. The decline among men was smaller, from 77 percent to 69 percent.*

...

*Dr Gabrielle Maxwell, senior researcher in the office of the Commissioner for Children, says that these results are partly a reflection of the change in the nature of the family. Many more women are solo parents now than in 1985, "and they know the reality that they can provide for their children without a man" ...The overall change between 1985 and 1994, she suggests, also partly reflects "the gradual percolating-down of information from research, which shows that children can grow up perfectly unharmed by being in a solo-parent family."*

(Listener/Haylen, 1994)

A different view was expressed in the New Zealand Government's discussion document, *Towards a Code of Social and Family Responsibility*, which includes the following questions:

- What more can we all do to encourage fathers to play a more active part in bringing up their children?
- Where parents are separated, what more can be done to support the rights of the child to have contact with *both* parents on a regular basis?

(Department of Social Welfare, 1998, page 19)

Some fathers were surprised by these questions which seemed to convey a lack of awareness of their situation on the part of the government. This is a concern because government itself has an impact on how families operate, particularly through the Family Court. Separated fathers who want to continue to be effective parents to their children can face many obstacles and get little support if the mother is uncooperative. False allegations of violence or abuse can be very damaging to the relationship between a father and his children, but there is little to dissuade someone intent on making such allegations.

There are some visible signs of fathers' frustrations with the Family Court expressed through letters to the press and sometimes in more extreme ways. On December 18<sup>th</sup> 1998 a father was acquitted of threatening to kill a Family Court Judge. In the trial he voiced dissatisfaction with his treatment by the Family Court, saying that he and others were "made to jump through hoops" (Court Reporter, 1998d). In another case, John la Roche, convicted of murder for the courthouse stabbing of his ex-partner, put much of the blame on his treatment by the Family Court (Court Reporter, 1998b, 1998c).

The following section of the paper outlines some of the attitudes that might result in such frustration. There is evidence that the Family Court discourages parenting involvement by fathers and does not effectively support a child's right to contact with both parents (see Birks, 1998e). This is in part due to the views held by some of the people involved in these decisions.

Section 3 investigates how these attitudes may have become prevalent. Section 4 then discusses some possible developments. It also discusses the institutional requirements that could lessen the likelihood of problems arising in future.

## **2. ATTITUDES**

Prevailing attitudes are important because they influence the selection and interpretation of information used in decision-making. Sometimes these attitudes are surprising, especially in hindsight. It is important to understand how they may have arisen and the social context in which they are observed. Here are some attitudes drawn from a variety of sources including personal comments and the media. They have been expressed to fathers by people in the Family Court, or by politicians, or are otherwise indicative of the thinking underlying recent policy and court actions. They have been used to justify recommendations, or court decisions, or political positions and in several cases they have been said to separated fathers anxious to have more contact with their children:

- i) We should not say that fathers are important because it might upset sole-mothers;
- ii) Fathers are not important, judging by past experience of families where fathers were absent at work;
- iii) Fathers walked out on their children a generation ago, so we need not support separated fathers now;
- iv) Domestic violence is predominantly perpetrated by men;

- v) Children need one home base for continuity and routine;
- vi) Children should stay with whoever was their primary caregiver;
- vii) Separated non-custodial fathers should just "get on with their lives".

There are counter-arguments that can be raised in response to these points, some of which are presented here.

### **We should not say that fathers are important because it might upset sole-mothers**

There is increasing acknowledgement of the importance of fathers (see Chapter 5). It might upset some mothers to stress that fathers are important even if a couple have separated. Nevertheless, recognition of a father's contribution is justified.

If the father's contribution is lacking, we have to consider why the father is not involved. There are those who have deliberately excluded the fathers through what is known as parental alienation. This is a form of child abuse (see Blaikie, 1994). If we are concerned about the welfare of children, it would be inappropriate to ignore this harmful behaviour.

If it is the father who refuses to be involved or is unsuitable, then the problem lies either with the father, or in the nature of the relationship between the parents. In either event, it is appropriate that attention be drawn to the problem rather than pretending that it does not matter.

If it upsets sole-mothers to say that fathers have a contribution to make, then isn't it equally upsetting to fathers for this point to be denied? This is of particular concern for many fathers as it represents what they perceive to be the attitude of the courts and the government.

It should not be assumed that there is only one active parent just because there is a "single parent household". Parents are considered to be non-custodial if the children stay with them for less than 40 per cent of the nights. This could mean that they are with them for every weekend and more, or, in other words, the non-custodial parent might have more active contact time with the children than the "sole-parent".

### **Fathers are not important, judging by past experience of families where fathers were absent at work**

The comparison is inappropriate. In one situation, a child grows up with a father who is spending long hours away from home to provide financially for them all. He could be there for Christmas, birthdays, and family gatherings. He is probably there at weekends. If he is ill, he might be cared for at home. They may go on holidays together as a family. His position and contribution are likely to be supported by the mother.



In the other situation, given current policies, the situation is quite different. The father is unlikely to be there for these activities. He may be struggling to see the child and to play an active parenting role. This could be in the face of open hostility from the mother (backed up by the Family Court). The child might feel compelled to take sides, or to reject the father. The father is unlikely to have any effective say in family decisions, but will be compelled to work and pay to support the family anyway.

Lapsley (1993) discusses domestic violence in terms of the "atmosphere" created. This does not depend solely on the amount of time a person is in the home and can have an effect even when the person is absent. If these negative dimensions are recognised, then for consistency we should also acknowledge the positive contribution that a father can make through his actions, even when he is contributing to the family through working elsewhere.

The two examples set for the child as to what to expect in future life are not comparable, nor are the prevailing rights and responsibilities between family members.

In addition, it seems unduly harsh to say to fathers who have been and wish to be active parents that they are not important on the basis of such examples. We could extend the reasoning further to downplay the role of mothers by talking about cases where they were absent, even taking cases where neither parent was present. Should we use the example of boarding schools to assert that neither parent is important? Presumably we could reason that children should be brought up communally, with parents paying for this and seeing their children once every few weeks.

### **Fathers walked out on their children a generation ago, so we need not support separated fathers now**

Some of today's fathers are the children of those earlier fathers. Perhaps they don't want to repeat the same mistakes.

There were fewer separated fathers then than there are now, and the "common wisdom" of the time was that a complete break was most appropriate. This, linked with the social stigma of divorce, would have made it very hard for fathers to continue to be involved.

Furthermore, it is not clear what collective responsibility today's fathers have for the actions of a previous generation. There is also a very different approach to women's entry into the workforce, although a generation ago far fewer women had careers. The reasoning in the two situations is inconsistent.

### **Domestic violence is predominantly perpetrated by men**

This is based on certain sources of partner violence data such as crime statistics. Numerous studies of partner violence report on surveys giving prevalence rates. These commonly indicate that prevalence of partner violence by women is as high as or higher than that for men. For discussion of this issue, see Pearson (1997).

New Zealand data showing women to have higher perpetration rates and lower victimisation rates can be found in Magdol et al. (1997). See in particular, tables 1 and 2.

It is particularly inappropriate to focus only on partner violence if a major object is the "best interest of the child". Child abuse is an area where women figure largely (see Chapter 9).

The unbalanced approach to men's and women's violence is further illustrated by the stance that "there is no excuse" for men's violence, and that attempts to explain this violence are unacceptably "blaming the victim". In December 1998 Manawatu Men Against Violence put out a statement about the 1997 Family Violence Symposium held in Palmerston North. The symposium debated changes in approaches to domestic violence resulting from the Domestic Violence Act (1995) and other developments. The statement acknowledges "the anger and grief felt by the committee members representing Palmerston North Women's Refuge by being associated, through their committee involvement, with presentations which neither they nor the Women's Refuge endorsed nor accepted." This suggests that the intention of some of the organisers was to present their preferred viewpoint only. The statement goes on to present the position of Manawatu Men Against Violence:

*" ... men who are or who have been violent or abusive in domestic relationships can not in any way minimise their responsibilities for their behaviour by blaming it upon or attributing any part of it to the behaviour or attitudes of their partners or other family members who have been or may be victims of the violence or abuse...MMAV greatly regrets that any presentations might have been interpreted as indicating a victim could be blamed in some way for the violence or abuse they received."*

This argument denies the possibility of mutual responsibility for domestic violence by men in the context of more complex family interactions. While the MMAV argument is that the perpetrator is solely responsible, there is just a short step from refusing to "blame the victim" to downplaying a perpetrator's behaviour on the grounds that the perpetrator is a victim. The criteria may not be applied consistently, however. On trial at the end of October 1998, John la Roche said that his treatment by the Family Court was a major factor in his case, but he still received a life sentence for murder. On 19<sup>th</sup> October 1998, Janine Albury-Thompson, convicted of strangling her daughter, had her manslaughter sentence reduced to 18 months. It had been reported that Albury-Thompson did not get sufficient support in dealing with her autistic daughter (Matthews, 1998), and that was provoked by the 17-year-old's difficult behaviour (Court reporter, 1998a).

The approach to men's violence indicates underlying valuations of men's parenting. It is presumed that the removal of a risk of violence by the father, even if slight, outweighs any cost to the child arising from the loss of his parenting. This, and the failure to deter or penalise false allegations by mothers, indicates that the parenting contribution of

fathers is not considered important. If fathers do have a real contribution to make, then many children will be penalised by the implementation of the Act. Zelas (1998), referring to cases of proven abuse, cautions about the psychological effects of family disruption and the removal of a parent (p.275). She sees value in protecting the parent-child relationship even when the parent has been abusive.

### **Children need one home base for continuity and routine**

This argument is used to suggest that shared custody is undesirable for children. However the same reasoning is not used when considering children going to day-care, kindergarten, grandma's, school, etc.. The effect of this approach is to deny non-custodial fathers the opportunity to establish and participate in any routines with the children, hence their relationship with the children atrophies over time, especially as the children grow and activities and needs change. The issue of routine is also viewed differently by the Family Court when considering a custodial mother's wish to relocate. On this matter someone who writes psychological assessments for the Family Court, "*seriously question[s] the involvement of the Family Court at all*" (Adamiak, 1995, p.125). This is despite the change of home and school and the move away from the father, friends, and possibly extended family.

### **Children should stay with whoever was their primary caregiver**

This effectively assumes that only one parent is needed. It also ignores the possibility that parenting roles change over time, that the ability to parent may depend on family circumstances, and that it might be appropriate to promote options which facilitate changes in custody as the children get older (rather than the current ones whereby the non-custodial parent is often "phased out"). In other words, it would be wrong to use continuation of roles during marriage as the overriding determinant of roles after separation. I discuss these points in more detail in Birks (1995). The changing nature of families can also make it difficult to determine who is the primary caregiver, as, for example with dual-career couples.

It may be that a custodial parent is hostile to a child having a close relationship with the other parent. If parental alienation is occurring, support for the alienating parent could compound the alienation, as discussed in Rand (1997a, 1997b). She describes how a custodial parent can grievously harm the relationship between a child and the other parent. Some studies refer to children being "held hostage" through "brainwashing". Professionals working in the Family Court sometimes advocate a policy of appeasing the custodial parent in the belief that that parent's situation significantly affects the wellbeing of the children<sup>1</sup>. This may be misguided because of "the influential role of other people in the child's life, such as ... professionals aligned with the alienating parent, whose endorsement of the programme advances the alienating process" (Rand, 1997a, p.35). This can be harmful to the child for various reasons, including failure to

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<sup>1</sup> In the context of a custodial mother wishing to relocate, Judge Boshier stated that, "*the mother's enhancement as a primary care-giver is more important than the father's wish to have ready contact*" - Quoted by Judge Green in (Green, 1995, p.137).

separate emotionally from the alienating parent (Rand, 1997b, p.46), and that "children may learn to get their needs met by fabrication and manipulation" (Rand, 1997b, p.47).

### **Separated non-custodial fathers should just "get on with their lives"**

It is not uncommon for people to decide not to replace a pet dog that has died as they found the loss so upsetting. Contrast this to the view that men should be able to accept the loss of their children through court orders, denied access, or alienation, and "move on" to new relationships and perhaps a step-parenting role. Their children have not died, and any attachment they form with step-children will have even less significance in the Family Court than their attachment to their biological children. There is an apparent lack of understanding of this issue by the professionals working in the Family Court. This lack of concern can be seen even in the work of some counsellors and psychologists engaged by the court. The problem is not unique to New Zealand, as discussed in section 4 below.

Insensitivity to men's feelings and a disregard for their possibly genuine concerns can be seen in another context, that of fathers who are in prison. To quote a New Zealand study for the Ministry of Justice, "... some men did not want contact with their children while in prison either because they found such contact stressful or because they did not want their children to see them in prison. They seemed unaware of what their children's preferences were or whether this was in fact in the best interests of their children in the longer term." (Gray Matter Research, 1996, p.30). This seems to downplay the feelings and opinions of the fathers, because the report goes on to state: "When visits do take place, the environment can be frightening and communication restricted" (p.31).

## **3. STRUCTURES**

This section considers why the environment might be conducive to views such as the above, and how these attitudes might arise.

### **Historical information**

Chapter 2 of Burgess (1997) presents information on fathers since 1790. She points out problems with the common sources used to support the case that fathers traditionally have had little involvement with their children. On page 38 she states:

*Household historians also turned their attention away from advice given to parents, and focused on private papers, by analysing diaries, autobiographies and letters in a systematic way. Together these two approaches cast quite a different light on family life in times gone by and, in particular, on the actions and affections of fathers.*

To summarise the chapter, the main points on father involvement as I see them are:

- information is limited;
- experiences varied very much over places and over households;
- many men were very involved;

- the changes caused by industrialisation meant that some fathers worked outside the home, but children stayed at home longer and home life became more leisurely;
- men and women both tended to understate the extent to which men actually parented, and people have little recollection of who did what for them when they were very young (so "recollections" of early childhood are likely to be primarily shaped by what children hear later).

It should also be noted that parenting styles generally vary a lot over time and place. High levels of involvement by fathers are currently being promoted. It is misleading to judge fathers in the past according to this standard. There have been times when both mothers and fathers were told to be more distant. Hardyment (1995) looks at baby-care advice since 1750 and identifies distinct trends. It is not long ago that parents were advised not to pick up to crying babies (p.188). Also demand feeding of babies was discouraged between the World Wars: "The brisk, clockwork regime of regular feeds and much 'time alone' had solved domestic logistics as well as meeting current psychological fashion" (p.226).

Even today, there is ambivalence about father involvement in two-parent families, and fathers are commonly sidelined on separation using the sort of arguments discussed in part 2 above.

In addition, men may be more constrained than previously due to the prevailing emphasis on abuse and inappropriate physical contact (see Chapter 9).

Doherty et al. (1997) recognise the important contribution fathers can make while also acknowledging that "substantial barriers stand in the way of active, involved fathering". Among these, mention is given to gatekeeping by mothers. It appears that this may not be a new phenomenon, as Hardyment (1995, p.122) observes. She refers to the author of *Child Training*, published in 1914:

*Mrs Arthur Acland felt she had to plead against 'a tendency towards putting the father outside the life of the child, a more or less clumsy interloper whose opinion and advice is to be taken critically, and with more or less conscious derision'.*

Doherty suggests that gatekeeping may be linked to the relationship between the parents, especially if they are separated, but "even within satisfactory marital relationships, a father's involvement with his children, especially young children, is often contingent on the mother's attitudes toward, expectations of, and support for the father". The authors cite studies indicating that, "many mothers are ambivalent about the fathers' active involvement with their children". By way of explanation, they say that, "active paternal involvement would threaten some women's identity and sense of control over this central domain of their lives".

Not surprisingly perhaps, conflict or stress between parents can therefore be a major inhibitor of effective father involvement. As Doherty et al. state, "Research demonstrates the particular vulnerability of fathering to contextual and institutional

practices". Attitudes can be both inappropriate and significant, so it is important that people are well informed.

## **Methodology**

The perceptions we have of issues depend on the perspectives we take. These can be limiting, resulting in individuals and groups maintaining over-simplified and inappropriate views. Goleman (1997) refers to "schemas" and "frames" when describing the behaviour of groups and the self-deception that can occur:

*"Self-deception operates both at the level of the individual mind, and in the collective awareness of the group. To belong to a group of any sort, the tacit price of membership is to agree not to notice one's own feelings of unease and misgiving, and certainly not to question anything that challenges the group's way of doing things." (p.12)*

*"... shared schemas guide group dynamics ... the social construction of reality. Shared schemas are at work in the social realm, creating a consensual reality. This social reality is pocked with zones of tacitly denied information. The ease with which such social blind spots arise is due to the structure of the individual mind. Their social cost is shared illusions." (p.23)*

To guard against this, it is important that policy formulation and implementation build on broadly-based analyses and a multiplicity of perspectives. Research which actively seeks to promote one point of view has been termed "advocacy research". While not using the term itself, Branham describes advocates as *"people who have mostly made up their minds about a particular issue, and believe in their ideas strongly enough to work with like-minded people to change public policy"*. On the sort of information they are likely to provide, he says, *"while advocacy groups are quick to find fault with "mainstream" sources, they will be less likely to critically evaluate information that suits their particular view of the world"*.

(From: <http://www.slu.edu/departments/english/research/rcont3.html>)

The statement by MMAV in section 2 above is therefore worrying, but it is not entirely unexpected. One-sided analyses are common. We can see this with "gender analysis", which has the express objective of improving the situation for women. We see this in the Report of the (United Nations) Fourth World Conference on Women (1995). Paradoxically, and suggestive of advocacy research, while calling for gender analysis to be undertaken so as to identify issues, the results are already presumed in strategy objective I:

### *"I. Human rights of women*

*222. If the goal of full realization of human rights for all is to be achieved, international human rights instruments must be applied in such a way as to take more clearly into consideration the systematic and systemic nature of discrimination against women that gender analysis has clearly indicated."*

This can be seen even more clearly in the New Zealand case. In 1996 the Ministry of Women's Affairs issued a publication called, *The Full Picture: Guidelines for Gender Analysis*. This document specifies the requirements for gender analysis in New Zealand. They differ somewhat from those in the Beijing document. To quote:

*"What is gender analysis?"*

*Gender analysis:*

- *examines the differences in women's and men's lives, including those which lead to social and economic inequity for women, and applies this understanding to policy development and service delivery;*
- *is concerned with the underlying causes of these inequities;*
- *aims to achieve positive change for women."*

The methodology advocated by the Ministry of Women's Affairs for the application of gender analysis promotes consultation with women only (see Birks, 1998d).

The methodology and aims of gender analysis indicate that it is advocacy research. Much of the research relevant to Family Court matters fits into the advocacy research category. I have discussed several examples and their implications elsewhere (Birks, 1998a, 1998d). In those papers I covered, among others, the Law Commission's Women's Access to Justice Project; the draft version of the Statistics New Zealand/Ministry of Women's Affairs Time Use Survey (since modified); the Department of Justice's *Hitting Home* study on men's domestic violence against women (Leibrich et al., 1995); and the New Zealand report on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

The overall effect is that of research presenting a narrow perspective. This can be illustrated further.

### **An Example: The Duluth Wheel**

The Duluth Wheel has affected attitudes, impacting on fathers' contact with their children. It was influential in the shaping of the Hamilton Abuse Intervention Pilot Project (Dominick et al., 1995). It also affects judges' training, as shown in the following extract from *New Zealand Parliamentary Debates*, Vol. 541, page 1931 (questions on notice, 22 June 1994).

#### ***Domestic Violence - Court Judges: Intervention Training***

**1. ELIZABETH TENNET** (*Island Bay*) to the **Minister of Justice**: *What steps, if any, has he taken to ensure that training in domestic violence intervention, based on the Duluth abuse intervention programme's power and control model, becomes mandatory for family court and district court judges, as recommended by the 1992 Victims Task Force report?*

**Hon. D A M GRAHAM** (*Minister of Justice*): *I am advised that judges now receive training in aspects of domestic violence, including the Duluth abuse intervention*

programme's power and control model, which was recommended in the Victims Task Force report **Protection from Family Violence**.

**Elizabeth Tennet:** *Can the Minister confirm that all judges are receiving this training, and how many more women and children will be killed or subjected to violence because of the lack of training of judges, as reported in comments made by judges such as the one who stated in a recent judgment: "It takes two to tango."?*

**Hon. D A M GRAHAM:** *I am aware that at the 1993 family judges conference a whole half-day was devoted to family violence issues. It included the presentation of a paper on the Duluth programme. Also, at the 1994 district court judges conference a session was devoted to family violence.*

Note Elizabeth Tennet's specification of women and children only suggesting that family and domestic violence is by men against women and children.

The Duluth Wheel is described in Graves (1995): " The Duluth Wheel map of violent and non-violent behaviour ... was devised by the Duluth Domestic Abuse Intervention Project, Duluth, Minnesota, USA, as the core of a 'perpetrator' programme to help men convicted of domestic assault to modify their behaviour away from violence and towards mutual co-operation with others."

Graves gives four principal criticisms of the model:

1. It assumes that violence is, in essence, 'male';
2. There is an implicit refusal - and in practice generally an explicit refusal - to acknowledge any violence done *to* men, especially by women;
3. *All* responsibility for reducing violence and for creating co-operation is assigned to men;
4. The methodology is intended to create responsible attitudes by challenging existing behaviour, yet programmes are often presented to men by women in a blaming, punitive environment, which is immediately counter-productive.

Graves' second criticism also applies to the Ministry of Justice's *Hitting Home* study (Leibrich, 1995) which only looked at violence by men. Graves presents gender-neutral and gender-reversed versions of the Wheel in addition to the standard version. These are useful as they show that men do not have a monopoly on these behaviours. The Wheel presents both "power and control" (control and abuse) and "equality" (constructive) approaches. In itself, this could be helpful as it shows that there are alternative ways for people to behave. In practice, couples are likely to exhibit a mix of controlling and equality behaviours as described in the Wheel. There is a danger that too much effort will be taken to identify controlling behaviours by men, and that one or two examples of these could be sufficient to label the relationship as a whole. Ironically, using the Duluth Wheel categories of abuse, common outcomes of Family Court interventions could be considered abusive of fathers (see Birks, 1998a, p.43).



There are other ways of looking at domestic violence, as in Pearson's study of women's violence (Pearson, 1997), in which she describes women as masters of indirect aggression (p.17) and situational abuse (p.142).

#### 4. FUTURE DIRECTIONS

The most dramatic impact of policy on fathers is likely to be observed where fathers are not living with their children. Attitudes towards and the treatment afforded these fathers are likely to have a far more widespread effect, however, as it would also reflect on other fathers. This is especially so if Doherty's finding on the importance of contextual factors is correct. In this light, it is encouraging to see specific acknowledgement of the perspective of fathers in a report by the Department of Health and Human Services in the U.S. (Nord and Zill, 1996). It recognised, "... a need for more research on non-custodial fathers -- the stresses they face, how they cope, their emotional adjustment, how they feel about changes in their parenting role, and factors that alleviate stresses." Several of the DHHS report's policy recommendations were aimed at reducing stress so as to increase effective parenting by fathers.

There is also need to pay attention to the nature of father involvement, rather than simply following the approach adopted in New Zealand of "enjoyment of access". To quote:

*Given that most children desire the continuing presence of a father in their lives and that fathers may disengage from their parental responsibilities in part because they feel no sense of control over the new arrangements, steps should be taken to enable fathers to have a more active post-divorce role. There will, of course, be cases where this will be impossible because of the inability of the two parents to cooperate, because the father has no interest in remaining involved, or because of a history of past abuse. But, when it is at all feasible, policy should encourage paternal involvement.*

- *Allow paternal role to continue, to the extent possible;*
- *Find ways to allow fathers to have a meaningful role in their children's lives where they can shoulder some of the **responsibility** of raising the child;*
- *Find ways to enable non-custodial parents to have some control over child's life.*

As long as the focus is on custody being awarded to one parent, with the other not having an effective parenting role, there is a danger that any perceived solution might be one in which more fathers had custody. This is not really a solution on its own, as it would simply mean that the same problems currently faced by so many fathers would be experienced by more mothers. Children would still be losing a parent. It would perhaps be more appropriate to foster and support the parenting role of both parents where possible. In the past year, several suggestions have been made as to how such an objective might be achieved. These are in addition to the more general issue of greater support for shared custody arrangements and a reassessment of policies on child support. Henaghan's suggestions (chapter 10) are relevant, and it is notable that several U.S. states have adopted a rebuttable presumption favouring joint (physical) custody.

Suggestions from the Family Law Forum held in Christchurch on 27 March 1998 (Birks, 1998c) included:

- Programmes for custodial parents who hinder access, along the lines of stopping violence programmes;
- Regular review of custody and access orders to check that they are working properly;
- Greater use of parenting plans and alternative dispute resolution procedures;
- Consideration of women's violence and passive-aggressive behaviour;
- More focus on solving problems before separation;
- Interim access arrangements aimed at preserving the parenting roles of both parents except for children at risk;
- More recognition of the on-going role of the father.

Additional suggestions for responses to the issue of obstructed access were presented in Birks (1998b) and included suggestions that the Court:

- treat the matter as one between the custodial parent and the Court, rather than allowing the children to see it as a dispute "caused" by the other parent;
- openly acknowledge that obstruction of access is emotional abuse of children;
- use section 20A of the Guardianship Act to impose a fine for obstructed access "without reasonable excuse";
- take a longer-term view and recognise that penalties, while possibly impacting on the children also, are likely to be beneficial through discouraging later harmful behaviour;
- act more swiftly to prevent the erosion of a father's relationship with his children, rather than ignoring the problem until it is "too late";
- consider community service during access time as a penalty, or reversals of custody for periods through the year to show a custodial parent what it is like to be non-custodial.

While these suggestions may be of benefit for families recently entering the system, there are cases where relationships between fathers and their children have already been severely damaged. In addition, there may be wider social consequences. Not only is the structure of society different, but also lessons have been learned which will impact on the future relationships of a large proportion of the population. Some of these issues are discussed briefly in Birks (1998d). It is important that we be alert to these matters. On a broader level, the closing remark in Birks (1998e) was a quote from Jefferson (1998):

*"Perhaps, above all, the Family Court and family law could benefit from the development of a corps of knowledgeable and intelligent commentators, being neither apologists/spin doctors nor snipers, so that informed, rather than tabloid, debate about the functions and future of the Family Court can develop."* (p.334)

The same applies to the research and policymaking community in general. We need to be informed, we need to be open to a range of information and perspectives, and we

need to debate regularly with perception and integrity. We then need to ensure that policies are implemented in a professional manner, and that the practitioners concerned are accountable and operate to high ethical standards.

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## ABOUT THE AUTHORS

**LAURENCE MICHAEL O'REILLY** (1942-1998), known as Laurie O'Reilly, was appointed as New Zealand's Commissioner for Children in September 1994. Trained as a lawyer, he pursued a legal career and was a partner in the firm Cameron and Co from 1965 to 1994. He practiced principally in Family Court. His academic involvement included a time as Lecturer in Family Law at the University of Canterbury and, with Robert Ludbrook and Pauline Tapp, he co-authored "Ludbrook's Family Law Practice".

His concern for children showed in his work on child abuse and his role on National Advisory Committees for "Prevention of Child Abuse and Neglect", "Sexual Offences Against Children", and "Youth and Law in a Multi-Cultural Society", as well as the National Committee for the International year of the Child 1979. He also served as Chairperson of the Law and Needs Task Force. He coached rugby extensively, both internationally and nationally.

His commitment to children led him to take other initiatives, as he describes in his own words:

*"When I came to university in Christchurch in 1959 I became involved with the work of the Catholic Maori Mission and the Catholic Samoan Community. I helped establish an urban marae in the city but became increasingly concerned about the needs of young people on the streets. I helped set up a drop-in centre in 1969. The work of 6A Inc. included establishing residential care facilities and an intensive foster care programme. 6A pioneered lay advocacy in the Children and Young Persons Court. As a result of my work with at risk youth I became increasingly interested in the foster care movement. My interests progressed to looking at issues of child abuse, of children's rights and advocacy. I came very much from a grass roots experience and perspective before I considered legal status concepts and rights issues. My interests in legal practice, education, community work and sport seem to overlap but resulted in my focus being on children and young people."*

Laurie O'Reilly died in January 1998. He is survived by his wife, Kay, son Christopher and daughter Lauren.

**STUART BIRKS** is Director of the Centre for Public Policy Evaluation, Massey University and Senior Lecturer in Economics. He specialises in applying economics to social policy issues, especially in the areas of education, health and the law. Trained as a mathematical economist and having worked as a strategic planner, he concentrates on cross-disciplinary approaches. He is a father of four and considers fathering and family as important aspects of life. He is a member of Family Rights, a group of men and women concerned about Family Court issues, and is on the national committee of the Father & Child Society.

**HARALD BREIDING-BUSS** is father to Linda(5) and Nicky(3), staying home to care for them since Linda was born, though always contributing to the household income. He has been married for 8 years to Hendrikje. He has an MSc in biology and ran a motorcycle hire business for 5 years. He set up the Father&Child Trust in Christchurch in August 1997 that evolved from a playgroup founded in February 1994. He has been the paid coordinator of the Trust since December 1997. His role includes working with ante-natal classes and post-natal groups.

**PAUL CALLISTER** is a father and a researcher. Trained as an economist, and having spent much of his paid working life in the finance industry, in recent years his research has focussed on shifts in work and family patterns. He has a particular interest in the changing lives of men. His research publications include papers on men as primary caregivers, men and part-time work, men and parental leave, and a history of men's involvement in the Playcentre movement. Paul is also currently on the national committee of the Father&Child Society.

**THE EQUAL EMPLOYMENT OPPORTUNITIES TRUST** is an independent not-for-profit membership based organisation which promotes the business benefits of success through diversity. Since the EEO Trust began in 1992 it has developed a number of resources and services for New Zealand employers. One of the major areas of activity has been work and family.

In 1994-5 the EEO Trust worked in partnership with the New Zealand Employers' Federation and the Ministry of Women's Affairs (and with sponsorship by Telecom) in the Work and Family Directions Project. The Project aimed to assist in peer networking for 52 employers keen to be at the leading edge of work and family initiatives. The Project resulted in two books, Work & Family Directions what New Zealand champions are doing and Work & Family Steps to Success both available from the EEO Trust.

Since the Project the EEO Trust has established the Work & Family Network. Network subscribers receive a twice yearly magazine, The Work & Family File, with up-to-date local and international information on work and family. Network subscribers are also eligible to enter the EEO Trust Work & Family Awards. The Awards, first held in 1998, are a showcase to profile and champion organisations which have made balancing work and family a reality. Awards are given in four categories; a large organisation award, a small to medium organisation award, a beginners awards and a Walk the Talk Award for a chief executive or senior manager who models work and family. Award winners receive extensive publicity, including all entrants and winners being featured in a publication, New Zealand's Best Employers in Work & Family.

**Dr FELICITY GOODYEAR-SMITH** is a medical practitioner with a special interest and expertise in the fields of sexual assault and domestic violence. For the past five years she has facilitated a support group for people affected by false sexual allegations, including a number of men falsely accused of abusing their children in the context of access and custody disputes. She is currently employed at Auckland Medical School as a Research Fellow evaluating the 'Positive Partners, Strong Families' programme, a community-based course teaching communication and conflict resolution skills to couples.

**MARK HENAGHAN** is an Associate Professor of Law at the University of Otago, specialising in Family Law. Relevant experience includes: editor of Butterworths Family Law Service, *Butterworths Family Law Journal*; author of *Family Law in New Zealand* (Butterworths), and *Family Law Policy in New Zealand* (Oxford); father of two children.

**Dr SARAH HILLCOAT-NALLÉTAMBY** lectures for the Population Studies Centre and Sociology programmes at the University of Waikato across a range of subjects, including social policy and sociology of the family. Since arriving in New Zealand, she has begun research on women's work, and on intergenerational relations. Her previous research experience included social and family policy in Europe, and reproductive health issues in the developing country context.

**PAM HUTTON** is with the Equal Employment Opportunities Trust (see above).

**REX MCCANN** is well known and widely respected for his work in the area of men's awareness in New Zealand. He has 15 years active experience in men's groups and regularly attends men's conferences in the US and Australia, connecting with broader international influences. Currently working as a trainer, group leader and social change catalyst he founded the annual NZ menswork leadership gathering in 1992, and is a contributor to the Australian men's leadership conference. He has worked running groups with men in prisons for five years and since 1991 has lead the trailblazing Essentially Men Seminar in Auckland and Wellington and more recently in Christchurch. He is currently completing a Masters in Social Ecology at University of Western Sydney, Hawksbury campus.

**TRUDY MCNAUGHTON** is with the Equal Employment Opportunities Trust (see above).



**PROFESSOR IAN POOL** is Director of the Population Studies Centre at the University of Waikato. Professor Pool has published numerous books, articles and papers highlighting the impact of demographic, social and economic change on family formation and structure. He has also been a key participant at many international population forums, including the 1994 United National Conference on Population and Development in Cairo.

**WARWICK PUDNEY** has tertiary qualifications in applied sciences, teaching and the social sciences and is the manager of the "Man Alive" Men's Counselling and Wellbeing Centre. He has had 17 years experience working with men and male adolescents. He has authored several publications, individually and jointly, including: *Beginning Fathering - a book on fathering preparation, ante-natal, birth and post-natal experience* (1998); *Hey Dad - A manual for a national fathering programme* (1995); and *A Volcano In my Tummy - a book on children and anger*, (1994).

**KEITH RANKIN** is an Auckland resident writer and lecturer in subjects relating to political economy and economic history. He also has a background in computing and statistics, and maintains his own Internet website (<http://pl.net/~keithr>). In 1999 he has lecturing commitments with Unitec Institute of Technology, Massey University and Auckland University Continuing Education. In his second marriage, Keith will become a father again this year. Keith's interests include tax-welfare reform. As a part of a joint project with Susan St. John ("The Welfare Mess") he has written an automated spreadsheet model to calculate net incomes for any given nuclear family, given their income tax, child support and other obligations, and their benefit and tax credit entitlements. This model shows how families' net incomes change in response to changes in their gross earnings.

## LIST OF ISSUES PAPERS

- No.1 S. Birks and G. Buurman, "*Is the Legal System an Efficient Regulatory and Dispute Resolution Device*", October 1997.
- No.2 S. Birks, *Gender Analysis and the Women's Access to Justice Project*, March 1998.
- No.3 S. Birks, *The Family Court: A View From The Outside*, October 1998.
- No.4 S. Birks and P. Callister (eds.), *Perspectives on Fathering*, April 1999.

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