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Fathering and Fathers' Rights
Groups: The Canadian landscape

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Editing & Formatting

Sarah Yercich, Ph.D., Associate Director at the FREDA Centre for Research on Violence Against Women and Children

Design

Emily Kumpf, Digital Communications Assistant at the Centre for Research & Education on Violence Against Women & Children

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Fathering and Fathers' Rights Groups: The Canadian Landscape

Introduction

The existing literature and research on fathers in movements demonstrate differing approaches to understanding fatherhood, men's engagement in the family pre/post separation, and family law. More specifically, these examinations are situated within the contexts of family law and engagement in the family post-separation and approached from the standpoints of feminist legal scholarship (for example, see Boyd, 2013; Dragiewicz, 2010; Flood, 2012; Watson & Ancis, 2013) and pro-feminist men (for example, see Flood, 2010, 2012; Kaufman, 2001), as well as those that align more closely with traditional fathers' rights-based frameworks (for example, see Kruk, 2008, 2010, 2013).

The fathers' rights movement is grounded in the rhetoric of rights, which feeds into patriarchal notions of paternal control and maternal responsibility (Boyd, 2006). Even in parenting arrangements that suggest shared or joint parental responsibility, fathers' rights activists arguments underscore their belief that this sharing of responsibility should still occur with the traditional gendered division of labour. For instance, fathers' rights activists conceptualize shared parenting as fathers maintaining control while mothers remain responsible for most of the caretaking (Bertoria & Drakich, 1993). Fathers' rights activists allege that this gendered division of rights and responsibilities should be considered shared parenting as there "is sharing going on" (p. 603); this emphasis on fathers' formal rights without subsequent responsibilities is, in other words, the formal equality model of fatherhood.

The fathers' rights discourse appears somewhat disconnected from lived experiences of many fathers. The fathers' rights movement does little to address or support the needs and causes of actual fathers, and their focus on patriarchal authority and rights, but not responsibilities, undermines the credibility of the movement (Kimmel, 2013). There is, however, a parallel fatherhood responsibility movement in the United States (US) which reframes the social and political discourses of fatherhood through narratives of care and responsibility of fathers (Gavanas, 2002). Similarly, pro-fatherhood and involved fatherhood movements exist and include, for example, gay fathers' groups who provide an alternate perspective on the discourse of rights

The term *involved fatherhood movement* refers to groups who provide support for fathers and emphasize responsibility, healthy engagement in the family, and egalitarian family models and caretaking responsibilities. It is similar to the parental responsibility groups present in the United States and pro-fatherhood activism within gay communities.

Rhetoric of the Fathers' Rights Movement

1. Efforts to contest feminist gains in private and legal spheres (See Boyd, 2004; Boyd, 2006; Collier & Sheldon, 2006; Crowley, 2006; Dragiewicz, 2010; Flaudi, 1991; Flood, 2010; Menzies, 2007)
2. Blaming women's liberation for the demise of the traditional patriarchal family model (See Adams, 2006; Boyd, 2004; Boyd & Young, 2007; Coltrane & Hickman, 1992; Flood, 2010)
3. Contending that feminists favour their political agendas over their families (See Boyd, 2004)
4. Problematizing fatherlessness, single-mother households, and non-heteronormative families, such as those headed by lesbian mothers, through assertions that the presence of fathers is necessary to adequately raise sons (See Boyd, 2004; Boyd, 2006; Crowley, 2009a)
5. Claims of bias towards women and mistreatment of fathers in family law processes (See Boyd, 2004; Boyd, 2006; Collier & Sheldon, 2006; Crowley, 2009b; Davis, 2004; Flood, 2010; Sen, 2012; Watson & Ancis, 2013)
6. Fighting for formal, but not substantive, equality post-separation (See Boyd, 2004, 2006; Collier & Sheldon, 2006; Crowley, 2006; Dragiewicz, 2008; Flood, 2010; Rosen et al., 2009)
7. Advocating for joint custody/shared parenting, albeit often within the context of formal equality (See Bertoia & Drakich, 1993; Boyd, 2004; Boyd, 2006; Braver & Griffin, 2000; Rosen et al., 2009; Watson & Ancis, 2013)
8. Focusing on biological parentage and allegedly inherent rights of biological fathers over that of involved caretakers (See Kelly, 2006)

that is grounded in fighting for the right to be fathers in the first place (Kimmel, 2013). These movements, however, are often not foregrounded in the debate surrounding the rights and involvement of fathers, which further silences the voices of excluded and marginalized fathers (e.g., gay fathers, Indigenous fathers).

The Fathers' Rights Movement and Politics of Fatherhood

The fathers' rights movement developed in the early 1970s as a response to women's liberation from the private sphere, including their traditional roles in family life and the home (Amyot, 2010). The initial advocacy of fathers' rights groups focused primarily on legal issues surrounding separation and divorce, such as child support payments and custody/access arrangements; their efforts were seen as a reaction to laws, such as the United Kingdom's (UK) Marital Causes Act of 1973 which allegedly favoured mothers during family law proceedings (Amyot, 2010). The initial phase of the fathers' rights movement was highlighted by Families Need Fathers in the UK, who promoted paternal involvement post-separation and were considered pro-family in their advocacy. By the mid-to-late 1970s and early 1980s, however, the fathers' rights movement developed into a social movement based in anti-women's liberation and oppressive politics with a focus on fathers' rights and the value of paternal authority in line with patriarchal ideologies.

During the early 1980s, the fathers' rights movement existed primarily in Australia and US and was formalized through the Australian Lone Fathers' Association in 1975

(Amyot, 2010; see also Kay & Tolmie, 1998a, 1998b). However, the development of the fathers' rights movement in the US was "fragmented" as it largely began at the local level and did not gain national support until the establishment of the American Coalition for Fathers and Children in the early 1990s (Amyot, 2010, p. 28). These branches of the fathers' rights movement were rooted in the masculinist men's movement and shifted the political discourse from paternal involvement to an anti-feminism countermovement (Collier & Sheldon, 2006; Flood, 2010). Similarly, activism in the UK shifted from a seemingly moderate approach to fathers' rights, such as the pro-family advocacy of Families Need Fathers, to a more radical and patriarchal approach with the advent of Fathers-4-Justice in 2003. Fathers-4-Justice adopted "radical protest" politics (Amyot, 2010, p. 28) and engaged in "dramatic tactics" (e.g., donning superhero costumes and scaling buildings) to generate support for the rights to fatherhood and paternal involvement post-separation (Kimmel, 2013, p. 135). This phase of the fathers' rights movement was not overtly anti-feminist in their politics (Alschech & Saini, 2019); nevertheless, some of their advocacy inadvertently targeted women with allegations such as bias against fathers in the legal system and family law processes.

Shortly thereafter, the fathers' rights movement was established in Canada during the early-to-mid-1980s. The Canadian branch of the fathers' rights movement was perceived as a reaction to the "stricter enforcement of child support payments" (Amyot, 2010, pp. 29-30). The Canadian fathers' rights movement developed largely as a means to support fathers who were navigating family law processes and negotiating custody/access arrangements both during and post-separation. Their dominant focus was, and remains, policy reform (Amyot, 2010). Much like their Australian and American predecessors and the parallel masculinist men's movements, the Canadian fathers' rights movement' political efforts are characterized by anti-feminist rhetoric, such as support for formal versus substantive equality, mother-blaming, and allegations of systemic bias against fathers in family law and court processes.

The fathers' rights movement has attracted scrutiny and criticism. Many critical gender and feminist legal scholars suggest that fathers' rights activism is a reactionary attempt to reassert paternal control and patriarchal dominance in the private sphere through an anti-feminist counter movement that aims to re-subjugate women (for example, see Dragiewicz, 2010; Flood, 2010). Further, much like the parallel men's movements, the fathers' rights movement is contextualized within the broader framework of a "crisis of masculinity" (Collier & Sheldon, 2006, p. 8; see also Collier & Sheldon, 2008), or at least a crisis in patriarchal notions of fatherhood and paternal control. Aspects of reactionary and crisis politics are evident in much of the rhetoric surrounding contemporary fathers' rights activism.

The Fathers' Rights Movement: A Misguided Frame?

Through rhetoric and advocacy, the fathers' rights movement frames women's liberation as harmful to children and leading to the disenfranchisement of fathers (Dragiewicz, 2010). Within this simplistic framework, feminists, women, and mothers who challenge traditional patriarchal family structures (e.g., separation/divorce, single-mother households, lesbian parents, professional women) are faulted for the breakdown of paternal authority and "the demise of masculinity" (Menzies, 2007, pp. 73-79); these challenges to patriarchal family order are frequently framed as an "affront to Christianity" (p. 79). Further, these politics align with the masculinist men's movements, as the subjugation of women and mothers is framed as the restoration of masculinity. Dragiewicz (2010) contends that members of fathers' rights groups who claim they are not opposed to feminism and are simply "caring fathers," in reality "often choose lobbying and legal tactics that attack services for abused women, laws criminalizing domestic violence, and family law policies that intend to ameliorate mothers' disproportionate poverty" during and post-separation/divorce (p. 202).

The rise of the Women's Liberation Movement and second-wave feminism generated discussion around men's gendered experiences and problematized the essentialist approach to masculinity (Cooper & McGinley, 2012b; Connell, 1995; Howson, 2012; Mutua, 2013). The Men's Liberation Movement correspondingly challenged the traditional male sex role, in addition to the constraints masculinity placed on men's gender enactment and gendered experiences (Adams, 2006; Connell, 1995; Mutua, 2013). Further, the Men's Liberation Movement generated political and academic discourses on the dynamics of "men, power, and change" (Connell, 1995, p. xii), but the production of research regarding the actual experiences of men and complexities surrounding men and masculinity was gradual and characterized by "deep conceptual confusion about gender" (Connell, 1995, p. xii). In addition to generating critical theorization on masculinities, women's liberation, and feminism, critical analyses of men's gendered experiences inadvertently elicited the reactionary and oppressive politics that are present in men's and fathers' rights activism.

Albeit within the context of persistent gender and racial inequality, changes in gendered power dynamics in private and public spheres (e.g., women's liberation) solicited a variety of responses from men, including: 1) men who have embraced and/or actively participated in the emancipatory efforts of women, gay men, gender variant individuals, and/or racially diverse populations (e.g., pro-feminist men, men against violence); and 2) a small, but loud, group of men who protest women's equality and actively fight against the gains made by women and non-hegemonic men (e.g., mythopoetic men, Promise Keepers) (Kimmel, 2010). These responses have developed into a variety of social movements, which are broadly referred to as the men's movement, men's rights movement, and fathers' rights movements. It is important, however, not to conflate men's social movements with the majority of men's perspectives and experiences, as most men fall "somewhere between eager to embrace women's equality and resigned acceptance" of women's equality (e.g., neutral and complicit men) (Kimmel, 2010, p. 115).

The fathers' rights movements' attempt to constrain non-conforming groups (e.g., women, racially and sexually diverse populations) and disregard the collective power men hold over women, as well as power differentials among men. According to Kimmel (2013), this should delegitimize the political and social efforts of the men's movement and fathers' rights movement, even though historically it has not disempowered them. What began as marginal movements of "sad and angry middle-class white guys, moaning about how hard they have it" (pp. 112-113) now holds some social and political capital. This transformation is the result of changes in the capitalist structure and the advent of the neoliberal state which have fostered and compounded men's experiences of powerlessness (e.g., ascendant redistribution of wealth, downwardly mobile lower- and middle-classes, intense economic inequality, demise of social welfare systems); this is exacerbated by out-of-date laws governing custody/access and guardianship arrangements which have, in some instances, favoured mothers (Kimmel, 2013).

These politics, and these men, characterize the majority of the fathers' rights movement, but they represent the minority of men and fathers. Due to their public and political presence, these movements provide a distorted picture of and, according to Kimmel (2010), (mis)frame the debate surrounding men, masculinity(ies), fatherhood, and familial relations. Real experiences of masculinities and fatherhood are not as "stark" as the rhetoric and activism of these movements imply, nor are men the "villains" that some radical feminist theorization suggests (Kimmel, 2013, p. 113). In fact, these approaches rely largely on essentialism in their political, social, and theoretical constructions of manhood/fatherhood.

This Research¹

This research examines the social engagement and experiences of fathers across Canada, with a strong focus on British Columbia (hereafter BC). This research consists of in-depth interviews with fathers engaged in the fathers' rights movement and involved fatherhood movement in BC, including a few fathers who reside outside of BC but were active in national groups engaged in this province.²

This study captured men's nuanced experiences with fatherhood, parenting pre/post separation, and family law within the current socio-legal and familial contexts, which grapple with a shift toward semi-egalitarianism within Canadian family law systems and familial structures (see Treloar & Boyd, 2014).

The study participants consisted of 27 men who were engaged in fatherhood groups and activism in BC. Through the use of in-depth, semi-structured interviews, this study focused on the voices and experiences of fathers who participate in fathers' rights groups and/or involved fatherhood

¹ The research presented in this learning brief is part of Sarah Yercich's doctoral thesis, *Fathers investing in fatherhood: A qualitative examination of contemporary fathering in fatherhood groups in Canada*, and would not have been possible without the guidance and support of her supervisor, Professor Emerita Joan Brockman and supervisory committee, Professor Emerita Margaret Jackson and a retired BC Supreme Court Justice.

² While involved fatherhood is not a formally recognized social movement, for the purposes of this study the accumulation of involved fatherhood groups will be referred to as a movement.

groups in BC, along with fathers from national groups who engage in oversight and activism within BC. The rationale behind this refined focus was the progressive socio-legal context present within the province. The Family Law Act (FLA), which came into force in BC in 2013, aimed to alter the familial and legal landscapes by supporting egalitarian family models, privileging contact with both parents, and affording fathers more access to their children post-separation through progressive guardianship provisions.

At the outset of this research, the distinction was preliminarily made between fathers' rights groups and involved fatherhood groups. However, the narratives of the fathers themselves demonstrated that the distinction between these groups is not necessarily that well-defined. Over half of the participants were members of fathers' rights groups (n = 16; 10 BC-based, 5 national)³ and members of involved fatherhood groups (n = 7; all BC-based) were underrepresented. However, an unanticipated number of participants were members of fatherhood groups that were not clearly identifiable as either fathers' rights groups or involved fatherhood groups. Instead, these groups shared characteristics of both fathers' rights groups and involved fatherhood groups, because their narratives and groups' approaches were both rights-based and involvement-based, although rights-based ideologies were more deeply entrenched; hereafter, these groups are referred to as blended fatherhood groups (n = 4; all BC-based). Additionally, a couple of participants were involved in informal fatherhood groups that could be more accurately described as fatherhood networks (n = 2; 1 BC-based, 1 with both BC and national experience), because they were informal support networks for fathers that did not have official titles or engage in advocacy of any kind. The fatherhood networks were similar to blended fatherhood groups in that they shared characteristics of both fathers' rights groups and involved fatherhood groups but, ideologically, they were more closely aligned with involved fatherhood groups.

The participants ranged in age, including mid-20s (n = 1), 30s (n = 3), 40s (n = 14), 50s (n = 5), and over 60 (n = 2); however, a couple of participants did not disclose their ages (n = 2). The backgrounds of participants were telling of the group dynamics, because most of the participants were in relatively privileged positions. The vast majority identified as white/Caucasian (n = 23), had university educations or greater (n = 20), were heterosexual (n = 27), and appeared to be middle-to-upper class.⁴

The participants' backgrounds demonstrated how their experiences may be interconnected with their positions of privilege, but also highlighted an absence of voices of socioeconomically disadvantaged fathers and those who are Black, Indigenous, and people of colour (BIPOC). Of note, while some participants were BIPOC (n = 4), only one participant spoke meaningfully of the interlinking nature of race/ethnicity and fatherhood experiences.

³ These numbers do not align with the number of participants (i.e., 27), because two fathers belonged to more than one group

⁴ The participants were not asked directly about their incomes or finances, but during the interviews most spoke of their income, the amount of money involved in their separation/divorce proceedings, and other factors that were telling of their socioeconomic standings.

Activism, Advocacy, and the Fathers' Rights Movement

I would say that the movement is now transitioning away from a fathers' rights perspective more to a family rights perspective because we recognize that this is not only fathers that have been hurt. It's grandparents and second spouses, as well as the children themselves. We're aligned with children's rights, second spouses', women's groups. We're evolving that way.

– P8, fathers' rights group, national

The beginning of the fathers' rights movement in most nations, including Canada, was characterized by the use of public spectacles to raise awareness about fathers' rights and push for legal reform. Consistent with other scholars' findings (for example, see Amyot, 2010), the participants who were involved in fathers' rights groups for longer periods of time (i.e., 15-30 years) spoke of the tactics they used to draw attention to their calls for legal and policy reform during the earlier phases of the Canadian fathers' rights movement (i.e., 1990s-2000s).

Other participants who were longstanding fathers' rights activists shared engaging in similar acts to garner attention for the fathers' rights movement, such as P4 who shared, "... my whole parental life had fallen to pieces, so I said, 'What

the hey?' I made a Spiderman costume and climbed a 200-foot crane." P4 also wore a Spiderman tie to his family court hearings to pay homage to his earlier fathers' rights activism in BC. Similarly, P25 (fathers' rights group, national) drove a brightly painted van across Canada that, by his description, resembled a children's television character to raise awareness about fathers' rights and the need for shared parenting by default post-separation. P25 also recounted dressing as the Flash and Batman as part of his advocacy efforts because "kids see fathers as superheroes."

While the focus of the fathers' rights movement in Canada has always been legal reform (e.g., reduced child support payments) (for example, see Amyot, 2010), a marked shift has occurred within the fathers' rights movement over the last decade. Canadian fathers' rights advocacy has dominantly moved away from the spectacle-based activism of the 1990s-2000s. Instead, fathers' rights groups have begun undertaking social, legal, and political advocacy in the form of lobbying efforts and education targeted at legislative and political reform. Canadian fathers' rights groups have also begun to form connections with international fathers' rights groups to expand their reach and improve the credibility of their platforms. Of note, the majority of the fathers' rights groups focused on lobbying for political and legal reform to the exclusion of any other activism (e.g., awareness raising, education), and some balanced lobbying and education efforts (e.g., hosting talks, screening documentaries). In addition to education, lobbying, and

I have a big X on me because of, I don't know if you Googled me and saw that I climbed a major bridge here back [...] I was elected president [of the group] and as I was elected president, the role of a president is to lead. If anybody had to climb the bridge, it was me.

– P13, fathers' rights group, national

reform efforts, some fathers' rights groups engaged in fundraising to create services for men, such as men's centres and transition housing. Nevertheless, educational and fund-raising efforts were not common, and most fathers' rights groups had a strong, if not exclusive, focus on legal reform and lobbying.

Rights-Based Rhetoric Remains

The explicit rhetoric of fathers' rights was minimized by comparison to the findings of earlier research on the fathers' rights movement and fatherhood groups. Regardless of group affiliation, many participants avoided using the terminology of rights altogether and, instead, focused on a narrative that implied rights without specifically stating that they are advocating for rights, such as equal or 50/50 guardianship by default post-separation. Of note, P8 (fathers' rights group, national) suggested that the narrative of fathers' rights is beginning to disappear in the movement overall and is instead becoming a "family rights" discourse. This view was not widely shared among participants, as most only spoke of fathers and not extended family. A few participants did, however, reframe fathers' rights as children's rights, with a focus on "alienating behaviours" (P14, fathers' rights group, BC).

The majority of fathers expressed what they believed was an equality-based approach. Instead of advocating for fathers' rights, the participants often framed their work as the fight for equality for fathers. As P24 (involved fatherhood group, BC) suggested, he and members of his group do not consider themselves rights activists; instead, they are focused on "equality and bridging." However, the narratives that underlie the equality-based framing were reminiscent of the rhetoric that was used in earlier rights-based eras in the movement. For instance, the focus on false accusations, parental alienation, a presumption of shared parenting, kids needing both parents/sons needing fathers, and discrimination against and silencing of fathers remain staples within fathers' rights activism despite avoiding the terminology of rights. As P27 (involved fatherhood group, BC) expressed, what fathers advocating for is "... the same ol' story, because we still haven't gotten what we're asking for."

False Allegations

Consistent with the findings of previous research (for example, see Coltrane & Hickman, 1992, Crowley, 2008; Dragiewicz, 2008) and remaining largely unchanged from earlier eras of the fathers' rights movement, a primary concern for the participants across all groups was false allegations; this is both due to reports of personal experiences with being falsely accused and, also, a suggested common nature of these allegations.

As the fathers' discussions illustrated, the reported frequency of false allegations was the reason behind their groups' strong focus on this phenomenon. For example, P1 (blended fatherhood group, BC) noted, "In Canada, I think there's been over 10,000 cases of false allegations, but only one case where a person has been put in jail or sentenced" and, similarly, P6 (involved fatherhood group, BC) expressed, "[in the] group everyone has been accused falsely. Every single one."

The participants generally described educational and political advocacy as their groups' responses to false allegations. Those who focused on educational efforts engaged in activities such as hosting events with speakers who "survived" their experience with false allegations (P27, involved fatherhood group, BC speaking of prior his involvement with a fathers' rights group) and lawyers who had experience dealing with such accusations in court. More commonly, however, political lobbying and advocacy aimed at remedying false allegations was taking place within many of the groups.

False allegations were also an issue on which some groups aimed to create partnerships with larger, more established organizations addressing false allegations on a broader scale (i.e., outside the context of fathers and family court proceedings). In particular, P14 (fathers' rights group, BC) expressed a desire for Innocence Canada⁵ to "... become a member of the coalition" that his group was forming related to false allegations of abuse made against fathers in family court.

Of note, false allegations are an issue on which some of the groups are divided. While they share the emphasis, more "radical" fathers' rights groups moved beyond advocacy to making falsified claims and allegations of their own. P1 explained that fathers' rights groups are:

... splintered because some had more radical thoughts than others. Like for example, one of the groups wanted to just put out their own false allegations. They said, "Well if the mothers get to do it, let's, let's just do the false allegation in defense." Obviously, that would crash the entire system.

This distinction is important because it suggests a range of beliefs among fathers' rights groups, including radicalization.

Fatherlessness

A mainstay of the fathers' rights movement has been advocating against fatherlessness and single-mother households, which fathers' rights activists problematize as children needing both parents. This theme remains a staple of the contemporary fathers' rights movement and is reminiscent of previous rights-based dialogue which asserted that a father is necessary to adequately raise their children and, more specifically,

According to numerous studies conducted in Canada, the US, the UK, and Australia, fatherless children, when compared to "normal families," are eleven times more likely to exhibit violent behaviour [...] Fatherless children are nine times more likely to run away from home, which makes them much more likely to become either victims or perpetrators of crimes. They are nine times more likely to join gangs. I see just about every RCMP car out there has on it somewhere, "Say no to gang life." Fatherless children are six times more likely to end up in prison [and] more likely to be involved in teen pregnancies, which means more fatherless children.

- P4 (fathers' rights group, BC)

⁵ Innocence Canada is a "non-profit organization dedicated to identifying, advocating for, and exonerating individuals convicted of a crime that they did not commit" as well as "work to prevent future injustices through legal education and reform." More information about Innocence Canada is available here: <https://www.innocencecanada.com/exonerations>

sons. The ills of fatherlessness conveyed in the participants' activism included, but are not limited to, teen pregnancy, criminality, violence, and weakness in male children. These findings are not new, as the phase one findings of this research and earlier examinations of the fathers' rights movement unearthed similar rhetoric (for example, see Crowley, 2009a). While fatherlessness was a topic most participants discussed, a marked difference existed between more activism-based groups (i.e., dominantly fathers' rights groups) and involvement-based groups (i.e., mostly involved fatherhood groups). Fathers' rights groups framed the issue of fatherlessness as the cause of social ills (e.g., crime, violence) while involved fatherhood groups focused on the importance of building relationships and staying involved in their children's lives post-separation.

Parental Alienation

Since as early as the 1980s, fathers' rights activism has concentrated on parental alienation (PA) and Parental Alienation Syndrome (PAS) (Adams, 2006). While PA and, more specifically, PAS have been largely discredited, alienation has been used as a tool and advocacy strategy since the beginning of the fathers' rights movement (Crowley, 2009a) and remained a common theme across these interviews.

When the participants spoke of PA, it was usually framed in a manner that suggested fathers are the victims of PA and alienation has harmful impacts on fathers resulting in, but not limited to, suicide. As P17 (fathers' rights group, national) explained, "I don't know if you did know, one of the activists who has become a victim of alienation in BC, just committed suicide over the weekend."

While most participants focused on the emotional harms experienced by fathers and potential results of such harms (e.g., death by suicide), a few also focused on the harms PA had on their sons, to the exclusion of their daughters. For example, P23 (fathers' rights group & involved fatherhood group, BC) who had both a daughter and sons with which he did not have contact, noted that his sons have "gone through their entire formative years being told that they hate me. That I'm [P23], not dad."

A parental alienation movement was sprung into action by a father in Ontario. I believe he was physically disabled. He was earning somewhere around \$1,000 a month, give or take, I'm pulling a number out of here for purposes of illustration. Court told him, "We understand your circumstances. We understand that you're physically disabled and all the other circumstances around it. The court orders you to pay \$1,600 a month in four payments." He fought the court and fought the court and fought the court and wasn't able to achieve any headway. He was in a situation of having to pay \$1,600 a month when his pay was \$1,000 a month. He took the other way out and he killed himself.

- P23 (fathers' rights & involved fatherhood groups, BC)

P14 (fathers' rights group, BC) re-framed PA as a form of domestic violence perpetrated against men.

I've been pushing people to understand the link between parental alienation and domestic violence. Parental alienation is a form of domestic violence. When you define domestic violence partially as control and isolation, and you understand parental alienation, you see that that's what alienation is, or at least that's one of the main effects of the purposes of an alienator is to control an individual and isolate them from their children and the rest of the family.

No other participants shared P14's (fathers' rights group, BC) belief that PA is a form of domestic violence. However, the feeling was common that PA and PAS victimizes fathers. Of note, a couple of fathers expressed that PA was not just something that occurred post-separation and that PA is something that is on-going in relationships from the beginning (P20, fatherhood network, BC & national).

Similar to the divide that existed among fathers' rights groups and involved fatherhood groups with respect to fatherlessness, the participants from involved fatherhood groups very rarely spoke of PA or PAS. However, PA and PAS were a central focus of discussion for most participants from fathers' rights groups, blended fatherhood groups, and fatherhood networks. As P27 (involved fatherhood group,

BC), who spoke at length about his drug and alcohol dependency, explained "it was never about punishing me. It was always about protecting my children from me."

Fatherhood and Family Law

One of the foci of this research was examining the experiences of fathers, as well as fatherhood groups and activists, within contemporary and more progressive socio-legal contexts that exist in Canada generally and BC more specifically. These progressive contexts include a shift toward and support for egalitarian family models, along with legislation (e.g., the Family Law Act/FLA)

They have a working group with twelve people, you'll find this very interesting. We found it so interesting. The working group of twelve people consists of eleven lawyers. The Bar Association, judges which are obviously lawyers, and the Ministry which are obviously lawyers, and they have one representative from the community, which is appointed by the Bar. These people, they created the family law legislation. They don't have any interaction with actual users. They created it, basically, they created a legislation by lawyers, for lawyers. Their whole point, when I brought this up to [Minister of Justice], she said to me, she goes, "She thinks her solution to the problem is that they need more lawyers. They need to hire, open up more modern court lawyer shops." I'm like, "Wait a minute, you don't want to just change the legislation and make it easier for everyone?" She goes, "No, we should get more lawyers." That just shows you how out of touch they are.

-P1 (blended fatherhood group, BC)

that privileges contact with both parents and affords fathers more access to their children post-separation as a result of new guardianship provisions.

The Family Law Act

None of the participants were supportive of the FLA. In fact, despite the progressive focus of the FLA, many suggested that act was a continuation of previous legislation such as the Family Relations Act and Divorce Act (e.g., “a system born out of the failings of the Divorce Act” P24, involved fatherhood group, BC). The vast majority of the participants who went through the family law process in BC also felt that their interests were not adequately represented in the FLA. One of the primary reasons fathers felt their interests were not represented in the FLA was because they were not included in the development of the legislation. Of note, a few participants felt that the manner in which the FLA is written could support some rights of fathers, such as P24 (involved fatherhood group, BC) who explained, “I can now go, as a Family Law Act in 2013, I can now go to court and say, ‘Okay, my ex is not giving me access and here is some proof of why and I want to have a good relationship, blah, blah, blah.’ So, the judge looks at that and says, ‘Okay, yeah, I can see that [...] the Mom being difficult.’” However, while the participants believed the FLA was written in a way that could put them on a more equal footing, they felt that the FLA was not being implemented in a way that actually afforded fathers what they were requesting (e.g., equal guardianship rights by default, reduced child support payments).

Guardianship and the Best Interest of the Child(ren)

There was a relative consensus among participants that guardianship should be determined based on what is in the best interest of the child(ren). Similar to earlier eras of fatherhood movements, the majority of participants articulated the best interest of the children in line with their ongoing advocacy for children needing both parents and the need for mandated shared parenting arrangements. Of note, the best interest of the child(ren) is a primary emphasis and guiding presumption in the FLA, and also the UN Convention on the Rights of the Child (UNCRC). However, many participants disagreed with how this provision was being implemented in practice. In fact,

The best interest of the child is a standard everywhere. The problem is that it's not defined. It's an indeterminate standard, and that's one of the problems. By the way, it's not only in Canada. It's also in the States, in England, and for that matter, in all the UN declarations and treaties. The best interest of the child is not defined in any document. Therefore legally, you can drive a truck through it and the courts do. What we want to do is essentially equate the best interest of the child with shared parenting. Shared parenting should be the first mandatory consideration, absence of domestic abuse. We wanted to find out because otherwise, it doesn't matter what you say. You can present the shared parenting, but it's always going to be tied to the best interest of the child, and the best interest of the child is always going to be deemed to be sole custody.

-P8 (fathers' rights group, BC)

most felt as if this presumption “means nothing” (P1, blended fatherhood group, BC). Of note, P1 and many other participants who expressed that the best interest of the child(ren) provision was not being followed did, in fact, have 50/50 guardianship arrangements under the FLA. Further, a couple of participants disagreed with shared parenting equating the best interest of the child(ren). As P26 (involved fatherhood group, BC) stated, “I don’t think anything supersedes the safety of the child.”

In addition to the best interest provision, some participants were skeptical of other developments in the FLA such as the shift to guardianship in the place of custody/access. As P9 (fathers’ rights group, BC) noted, “I think in the new act, although nominally, parents have equal rights [...] at least to begin with, because they’ve done away with custody. It’s called now guardianship, but I’m not really quite sure what that’s worth.”

The participants’ concerns regarding best interest of the child(ren) provision were ultimately that the phrasing is “intentionally ambiguous” (P10, fathers’ rights group, national) and “deliberately vague” (P6, involved fatherhood group, BC) which results in what they argue to be inconsistent interpretations and applications of the provision. Many participants are seeking law reform in which the best interest provision is clarified to include shared parenting or 50/50 guardianship as the default arrangement post-separation.

There were a few positive results of, but simultaneously conflict responses to, the best interest of the child(ren) provision. For instance, P9 (fathers’ rights group, BC) reported that the provision resulted in him obtaining full legal custody of his children; he recounted that the judge in his case informed his ex-wife who was “screaming” in court that “it’s in the children’s best interest for you to just be quiet.” Nevertheless, P9 felt that the provision was potentially harmful, especially in cases where false allegations were made, because “how can you make a decision about what’s in the best interest of the children” when “one person is perjuring themselves.” He felt this was compounded by “the clause that dealt with false allegations” being removed from the FLA. However, it is unclear to which actual or perceived clause P9 was referring.

In contrast to the other participants, P27 (involved fatherhood group, BC) reflected on guardianship decision in his case and explained how the best interest of his children was in fact reflected in the judge’s ruling. He explained, “the conditions didn’t impact my access. My own behaviour did.” During our conversation he recounted signing the court documents while “very high,” and said that he “doesn’t remember any of it.”

Regardless of group affiliation, most participants argued that a presumption of 50/50 guardianship should be the “starting point” for parenting arrangements post-separation (P18, blended fatherhood group & fathers’ rights group, national), regardless of what the parenting roles and responsibilities were prior to when the separation took place. For example, P19 (fathers’ rights group, BC) saw the only fair arrangement to be a “automatic 50/50 split” and you can “work from there.” P16 (fathers’ rights group, BC) argued that 50/50 guardianship is the only way to have equality in parenting, because in any other arrangement (e.g., 40/60 split) “you are still the junior

parent.” However, participants called for more than guardianship arrangements to be automatically divided equally post-separation, such as P22 (involved fatherhood group, BC) who wanted the law to reflect “50/50 [division of] everything,” including children, assets, and debts.

Bias Against Fathers in Family Court Proceedings

Regardless of the group with which the participants were associated, a common theme across the interviews was a belief that fathers face bias and discrimination in family law processes and proceedings. P1 (blended fatherhood group, BC) expressed that the “population that is most discriminated [against] now is the divorced father,” which he reported experiencing in his own guardianship proceedings and witnessing among his group members. Accusations of bias were levied against all those who were involved in some degree with family law, including policy makers, ministry workers, law enforcement, lawyers, and judges. To illustrate, P7 (fathers’ rights group, BC) expressed his belief that “the police and the ministry are working with the mom.”

Their articulation of the bias clearly situated fathers in a position of disadvantage and systems working in the favour of mothers. P23 (fathers’ rights group & involved fatherhood group, BC) referred to the favouring of mothers as the “golden vagina” rule in which women “can do nothing wrong” and men “can do nothing right.” He suggested that it would “take an act of God” to address the bias against men in family law processes. Most participants spoke of covert forms of bias against fathers. However, P7 (fathers’ rights group, BC) recounted his experience, in which he recalled being asked by the judge “what do kids need?” P7 stated “food shelter,” to which the judge replied “no, a mother’s love.” The evidence that participants used to support their allegations of bias was dominantly personal experience and anecdotal evidence. For example, when asked how he knew that bias against fathers was a frequent experience in the BC family court system, P10 (fathers’ rights group, national) stated that he “learned” of the favouritism shown to mothers by observing family court proceedings and outcomes, his own included.

The participants’ beliefs of bias and discrimination against fathers went hand-in-hand with accusations that they were not heard and their voices were silenced in family court proceedings. P4 (fathers’ rights group, BC) expressed, “no one’s listening,” which was echoed in many participants’ narratives. As P27 (involved fatherhood group, BC) put it, “if I speak softly, they don’t hear me. If I scream, they throw me out of court [...] whatever I say, however I say [it], they don’t hear me.” Some participants also expressed that they experienced direct mistreatment in family court, which P11 (fathers’ rights group, BC) illustrated in his statement that he was “treated as an animal.”

One of the common ways participants suggested how bias is present in family law is the use of false allegations of abuse by fathers in custody/access and guardianship proceedings to undermine fathers’ requests for shared parenting. For instance, P1 (blended fatherhood group, BC) framed false allegations as “the silver bullet in family law [...] because there’s no repercussion and the other side gets hurt by it.” Most of the participants expressed similar feelings, such as P22 (involved fatherhood group, BC) who explained, once his “gaslighter” ex-wife “started lying I knew I was screwed.”

Conclusions and Considerations

Throughout the interviews, the participants spoke of a diverse range of experiences with fatherhood and family law. They shed light on the historical and contemporary dynamics of the fathers' rights movement, fatherhood groups, advocacy, and activism. Their narratives demonstrated the individual and collective experiences and challenges with fatherhood spanning personal, social, and legal spheres.

The Current State of Fatherhood Groups and the Fathers' Rights Movement

The use of public spectacles, which has previously been referred to as adopted "radical protest" politics (Amyot, 2010, p. 28) and "dramatic tactics" (Kimmel, 2013, p. 135), denoted reactionary and crisis politics on behalf of fathers' rights activists; these were commonly met with negative reactions and resistance. However, while some participants reported that their lobbying efforts were not well received, lobbying for legal and political reform holds a much greater capacity for these groups to influence processes, procedures, legislation, and policy development (Ozmy, 2010; Scott, 2015). This development in tactics utilized by fathers' rights activists seemed both purposeful and impactful.

Despite some shifts and developments, the problematic politics of earlier eras of the fathers' rights movement existed across fathers' rights groups and blended fatherhood groups, including support for a presumption of equal/shared parenting (for example, see Crowley, 2009a), assertions of bias and discrimination against fathers within family law processes (for example, see Flood, 2010; Sen, 2012; Watson & Ancis, 2013), beliefs that fatherlessness harms children and, more specifically, sons (for example, see Crowley, 2009a), and claims of parental alienation as a legal tactic utilized by mothers (for example, see Adams, 2006). Regardless of the absence of political involvement and a focus on support for fathers, even involved fatherhood groups and fatherhood networks retained these ideologies. These assertions have been negated by the large body of research that provides more critical approaches to understanding fatherhood. For instance, Dragiewicz (2010) characterized these strategies as "[...] lobbying and legal tactics that attack services for abused women" and other processes and laws in place that aim to protect and empower women during and post-separation/divorce (p. 202).

The rhetoric of rights within the fathers' rights discourse has developed to include "family rights," such as "grandparents and second spouses" (P8, fathers' rights group, national), and the rights of children themselves. However, the concept of "family rights" echoes the traditional fathers' rights framework, because "family rights" is used in a manner which suggested that fathers and families have rights to children. The participants' framing of the rights of children was similarly problematic, because it was articulated as a father's paternalistic right to determine what is in the child(ren)'s best interests and defend his child(ren) because they "cannot defend themselves" (P4, fathers'

rights group, BC). Framings such as these continue to emphasize fathers and families having rights to children, as opposed to children having rights of their own. These rights-based narratives (e.g., fathers' rights, family rights) undermine the autonomy, agency, voice, and rights of children in family court matters.

Within the Canadian context, as well as internationally, law, policy, and literature alike emphasize a child's rights approach that prioritizes children's participation in family court proceedings (e.g., guardianship determinations), and also privileges the voices and perspectives of the children themselves within decision-making processes (Bendo & Mitchell, 2017; Birnbaum, & Saini, 2012; Martinson & Tempesta, 2018; Tempesta, 2019). An approach to family law that is child-centred and advances children's rights is key, and it requires children's meaningful participation in family court matters and giving due weight to children's views. A child's rights approach and supporting children's participation in BC and Canadian courts can occur through means such as: 1) involving children early and on an on-going basis in decision-making processes that impact them (for example, see Birnbaum, 2017; Birnbaum & Saini, 2012; Birnbaum & Saini, 2013); 2) including children's perspectives in determinations regarding what is in their best interests (for example, see Birnbaum, 2017; Dundee, 2016); 3) ensuring children's participation rights in all family law cases, even those that are deemed high risk (e.g., domestic violence, allegations of parental alienation) (for example, see Birnbaum & Saini, 2013; Martinson & Raven, 2020; Morrison et al., 2020); and 4) providing legal representation for children in all cases involving their best interests (for example, see Martinson & Tempesta, 2018). This child's rights approach exists in stark contrast to the fathers' rights narrative, family rights frameworks, and other discourses that are based on an adult's rights and/or those that prioritize an adult's ideas of what is in the child(ren)'s best interests. Of note, Canada's new Divorce Act, which was influenced by BC's FLA and came into force on March 1, 2021, has a strong focus on the best interest of the child(ren) which could support a child's rights approach to custody/access and guardianship issues both provincially and nationally.

In addition to the critical examinations of power, control, and patriarchy, some of the assertions made by fathers and fatherhood groups/movements have been outright disproven. There is limited support for, and significant empirical evidence that disputes, fathers' questioning of the credibility of family court processes (e.g., false allegations, PA) and their allegations of bias against men/fathers in family court. For instance, PA is "the theory that children in divorcing families may be turned against one parent by the other favored parent" (Meier, 2009, p. 233). Based on PA, Richard Gardner "invented" PAS in the 1980s, which he "based solely on his interpretation of his own clinical experience" (Meier, 2009, p. 235). PAS was created to minimize claims of abuse aimed at fathers in family court, which Gardner alleged were fabricated by mothers with "vendettas" which were a product of a mother's "mental illness" or "intentional malice" (p. 236). PAS is intended to provide support for men who claim false allegations of abuse have been made against them, and also situate claims of abuse "as false tools for alienation" (p. 236). Gardner's work on PAS has largely been discredited (Adams, 2006, pp. 1-8) as a result of the absence of any clinical backing (e.g., research) and his own "bizarre beliefs about human sexuality" (Meier, 2009, p. 236). Nevertheless,

PA remains a problematic strategy used in family court to undermine and/or counter allegations of abuse made by mothers and children (Elrod, 2016; Neilson et al., 2019).

Disadvantaged Compared to Whom?

Some feminist legal scholars rightfully question fathers' rights activists claims that family law processes are unjust or biased (for example, see Boyd, 2006; Crowley, 2009a, 2009b), because fathers "obtain primary or joint physical custody a majority of the time when they actively seek it" (Watson & Ancis, 2013, p. 167).⁶ Further, allegations of unfair child support payments disregard the tendency for disparate income between men and women, and also on-going patriarchal oppression of women and systemic sexism that are at the root of this pay gap.

Although limited, some research on the validity of fathers' claims of disadvantage in family court applies to the Canadian family law context. For example, McBean (1987) found that "if there is a [custody] dispute, fathers have a very high success rate in court" (p. 188); to be specific, McBean's (1987) analysis demonstrated an approximately 50 percent success rate for fathers in formal custody/access disputes. Similarly, Boyd (1991) suggests that "awards to fathers have been increasing; more men are succeeding in challenging their former wives for custody in court than 20 years ago" (p. 87). Although more contemporary research is needed, these findings show no bias in favour of mothers or against fathers. Of note, recent research suggests that Canadian courts may actually privilege "the applications of fathers who can provide a 'mother figure' for the child" and fathers "who will spend time at home with the children" (Shaw, 2021, p. 137). Nevertheless, engaging in an analysis of fathers' allegations of disadvantage in Canadian family court proceedings would be complex and is well beyond the scope of this research. However, these fathers' concerns and allegations are considered in these findings, because claims of disadvantage were a common theme throughout phases 1 and 2 of this study.

Considerations of these fathers' claims of disadvantage in family court processes also raises an important question, disadvantaged compared to whom? It is important not to conflate the participants' experiences and claims of disadvantage in family law processes with discrimination. An assertion of discrimination "relies on policies implemented to single out certain groups for unequal treatment" (Kimmel, 2013, p. 125), which is not reflected in the treatment of fathers in contemporary family law systems. Further, inherent class bias exists within many family law policies, including those that govern separation/divorce, custody/access and guardianship, and issues of family violence; this inherent class bias generally "favours economically privileged men" over all other populations (Comack, 2008, p. 108). As such, while lower-class and BIPOC fathers may be at a disadvantage in family court processes, this critique is not present in much of fathers' rights activism. Fathers' rights activists are dominantly privileged middle-to-upper-class white men and often exclude the voices and needs of marginalized men (Blais & Dupuis-Déri, 2012, p. 30).

⁶In this instance, the term actively refers to fathers who seek custody through formal, legally recognized channels, such as the courts. Many men may seek custody but do not have the means nor the inclination to make formal appeals.

To learn more about the Supporting the Health and Well-Being of Survivors of Family Violence in Family Law Proceedings project, go to: www.fvfl-vfdf.ca or our partnered research centres:

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Dr. Kendra Nixon

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