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**Submission to House of Representatives Standing  
Committee on Family and Community Affairs**

**Inquiry into child custody arrangements in the  
event of family separation**

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## Summary

The case for a rebuttable presumption of joint custody is built in part on inaccurate assumptions about fatherhood and fatherlessness.

### Father absence and fatherlessness

- Fathers are important to the well-being of children, families and communities. Supporting fathers' positive involvement in their children's lives is a key element in the maintenance of healthy families and communities
- However, claims about the negative effects on children of father absence are often simplistic. Three factors should be borne in mind in assessing the impact of father absence;
  - Negative outcomes among children who grow up without their biological fathers are explained in part by circumstances existing prior to the parents' divorce or separation – by 'selection effects'.
  - The lower economic status of female wage-earners and economic insecurity of single mothers are critical factors in shaping children's wellbeing in single parent families, and negative effects among children can be greatly reduced by the provision of better support to such families.
  - The quality of parenting and family relationships has a profound impact on children's wellbeing and mediates the influence of father absence. The evidence shows that children in intact families with high and chronic conflict are often better off when their parents divorce.
- Policies to promote increased father involvement should be aware of the potential costs of father presence, including the possibility of children being exposed to violence, drug abuse and other criminal activity.
- The claim that "Boys from a fatherless home are 14 times more likely to commit rape" is false, and symptomatic of the methodological shoddiness and confusion of correlation and causation which characterises discussions by some fathers' rights advocates.

### Boys' 'best interests' and male role models

- Boys, and girls, benefit from the presence in their lives of positive, involved fathers.
- Yet not all 'male role models' are good for boys or girls: some are destructive and unhealthy.
- Positive and nurturant parenting by mothers *or* fathers (and ideally both) makes more difference to children's outcomes than the simple presence of a father *per se*.
- While mothers and fathers do parent in different ways, both are equally capable of providing loving family environments to children and teaching them the same skills and values.
- The evidence shows that boys are no more likely to adopt feminised gender identities or homosexual sexual orientations if they are raised only by women, heterosexual or lesbian.

- In any case, the opposition to unconventional gender or sexual orientations among youth is based on unethical and discriminatory assumptions, and reinforces homophobia and rigid models of masculinity which limit boys.
- There is little correlation between the masculinity of fathers and the masculinity of their sons, and sons' positive development is shaped more by the warmth and closeness of fathers' relationships with them.
- Finally, asked about their role, fathers themselves give more emphasis to 'being accessible when children need you' and 'guiding and teaching your children' than to being a 'role model' for their sons.

## Introduction

This submission argues that the case for a rebuttable presumption of joint custody is built in part on inaccurate assumptions about fatherhood and fatherlessness.

There is no doubt that fathers are important to the wellbeing of children, families and communities, and supporting fathers' positive involvement in their children is a key element in the maintenance of healthy families and communities. At the same time, contemporary debates about fathers, families and family law often have been based on assumptions about fathering which are not supported by the research evidence. This submission concentrates on two such assumptions;

- (1) Father-absence in families or 'fatherlessness' has a wide range of negative social consequences.
- (2) The "best interests of the (male) child" are protected most by the presence of the biological father.

## Father absence and fatherlessness

Fathers' rights groups and conservative social commentators routinely assert that father-absence in families causes a wide range of social problems, such as crime, delinquency, drug abuse and mental health problems. Certainly there is solid empirical evidence of a correlation between children growing up in single-parent families (usually headed by a mother rather than a father) and such problems (Sigle-Rushton & McLanahan 2002, pp. 7-15). However, the research also finds that it is wrong to claim that fatherlessness simply causes these social problems.

First, the negative outcomes among children who grow up without their biological fathers are explained in part by selection effects – by systematic differences between the people who divorce or never marry and those who marry once and stay married. For example, high parental conflict, substance abuse, violence, mental illness and other forms of anti-social behaviour are associated with divorce *and* with poor outcomes in children. Divorce and separation are more common among lower socioeconomic groups, and children from such groups are less successful in adulthood (Sigle-Rushton & McLanahn 2002, p. 16). If studies control for pre-divorce circumstances, they find that statistical associations between family disruption and child outcomes become smaller, and in some instances they become statistically insignificant (*ibid*, p. 17).

Second, the association between father absence and poor outcomes among children is also shaped by changes which accompany divorce or separation, particularly economic insecurity and loss of social capital. Single mother households are more likely to have inadequate economic resources, and mothers face a significant drop in income after divorce or separation. Female wage-earners typically have lower paid, lower status and less secure jobs than male wage-earners, and it is harder to self-insure against unemployment or illness by having a second adult take up paid work (Sigle-Rushton & McLanahn 2002, pp. 27-28). This affects children's access to educational resources such as books and computers, and socioeconomically disadvantaged mothers are more likely to live in deprived areas with poorer quality schools. There is substantial evidence that differences between children in single-mother and two-parent families are far less pronounced once income differences are taken into account (*ibid*, p. 32). It is also worth noting that the levels of support provided to single parent families influences children's outcomes. The negative effect of living in a single parent family varies substantially by country, and is greatest in countries which provide the least support to single-mother families (Sigle-Rushton & McLanahn 2002, p. 33).

Third, the quality of parenting and family relationships has a profound impact on children's wellbeing and mediates the influence of father absence. Children growing up in married families with high conflict may experience as many problems as children of divorced or never-married parents. If their parents are experiencing chronic conflict, children in fact are better off when their parents divorce (Amato 2000). As Sigle-Rushton and McLanahan summarise,

Parental conflict before, during, and subsequent to a divorce or separation often accounts for a substantial portion of the relationship between father absence and children's behavior, psychological adjustment, and academic performance. (Sigle-Rushton & McLanahn 2002, p. 36)

In addition, the simplistic promotion of father presence can have unintended negative effects on women, children and families, as the United States example attests. In the US there has been bipartisan support for new fatherhood initiatives promoting "responsible fatherhood", aimed at increasing fathers' contact and co-residence with their children and strengthening marriage (Waller & Bailey 2002, p. 2). However, from a large-scale study of largely low-income parents who had a non-marital birth (a key target group for such policies), a substantial share of the fathers they are targeting have characteristics which are not conducive to increased engagement, including negative behaviours such as violence, drug abuse, and other criminal activity (ibid, p. 1). Moreover, such negative characteristics were also displayed by fathers who were married at or after the birth, so marriage may not encourage fathers to change their behaviours (ibid, p. 37). Policies to promote increased father involvement should be aware of the potential costs of father presence.

Finally, discussions of fatherlessness in populist texts such as Popenoe's *Life Without Father* are riven by the confusion of correlation and causation, the reduction of multiple social variables to bivariate associations, the highly selective use of research evidence, neglect of contradictory or competing evidence, and treatment of small differences as if they were gross and absolute (Coltrane 1997, p. 8). Some advocates for fathers' rights use bogus statistics, with no basis in fact, in asserting their political agendas. See the text box below for an example, from the "12 Point Plan" released by the National Fatherhood Forum in June 2003 at Parliament House.

### **Boys' 'best interests' and male role models**

There is a widespread belief that children, and boys in particular, need a father's presence for their successful personal and emotional development. Boys require 'male role models', in the form of a (biological) father present in the family. In other words, "the best interests of the (male) child" are protected most by the presence of the biological father. In announcing the parliamentary inquiry into child custody laws, Mr Howard himself stated, "One of the regrettable features of society at the present time is that far too many young boys are growing up without proper male role models." There is no doubt that boys, and girls, benefit from the presence in their lives of positive, involved fathers. However, the research itself does not substantiate the assumption that boys growing up without fathers necessarily are harmed by this absence.

First, we need to ask: *what kind* of male role models are healthy and appropriate for boys? Some boys and young men suffer, not from an absence of male role models, but from an *excess* of destructive male role models. Some boys grow up in the company of adult men who are neglectful or abusive. And more widely, boys are routinely exposed to movies, television, video games and other aspects of popular culture which celebrate violent and dominating images of manhood. Both

experiences shape boys' perceptions of their own roles in destructive ways. So let's not assume that *any* 'male role model is better than none.

Second, positive and nurturant parenting by mothers *or* fathers (and ideally both) makes more difference to children's outcomes than the simple presence of a father *per se*. Lamb's review of fatherhood research finds that many boys without fathers develop normally in terms of gender role development and masculine identity (Lamb 1995, pp. 31-32). Factors other than father absence *per se* are as important if not much more important in explaining some boys' (and girls') negative outcomes: the absence of a co-parent (to do childcare, step in when one parent needs a break, and supplement one parent's resources); the economic stress of single parenthood; the emotional stress associated with social isolation and social disapproval of single mothers; and pre- and post-divorce marital conflict. In other words, father absence is harmful because many aspects of the roles fathers can play as parents – economic, social and emotional – go unfilled or inappropriately filled (*ibid*, p. 32).

Mothers and fathers typically parent in different ways. For example, observational and survey data find that mothers' interactions with their children involve more caretaking and fathers' interactions involve more play (Lamb 1995, p. 27). Such differences are not the inevitable result of 'hardwired' features of female and male biology, but social differences shaped by women's and men's own socialisation in gendered ways of being and relating. Fathers are no less capable of childcare than mothers: put in the same social situations, both mothers and fathers can learn the same parenting skills and can be equally competent (or incompetent). Parenting skills are usually acquired 'on the job', but because mothers typically are 'on the job' more than fathers they develop greater sensitivity to their children and gender differences emerge. On the other hand, when fathers become primary caretakers, they acquire the necessary skills (*ibid*, p. 27). Mothers and fathers are equally capable of providing loving and supportive family environments for boys, and of teaching the same skills and values to them, as both Silverstein (1994, pp. 75-105) and Howard (2001, pp. 156-162) stress in their popular texts on raising boys.

Fourth, the evidence shows that boys are no more likely to turn into 'sissies' and 'poofs' if they are raised only by women, heterosexual or lesbian. Boys' adoption of appropriate forms of masculinity and (hetero)sexuality has been seen as in special danger if they are parented by lesbian mothers and lesbian couples. The fear is that boys in such circumstances will become homosexual, adopt an unconventional gender identity or orientation, or experience other kinds of behavioural and social maladjustment and dysfunction (Rickard 2002, p. 1). Instead, the research finds that children of lesbian parents are no more likely than those of heterosexual parents to have confused or unconventional gender identity or behaviour or a homosexual sexual orientation. There are no differences in self-esteem and emotional well-being, nor in social development (in confidence, positive peer relationships, or the likelihood of being teased or bullied). There is some evidence though of developmental differences: children of lesbian parents are *more* likely to be affectionate and responsive and to have a greater sense of well-being, but also to perceive themselves as less competent (*ibid*, p. 2). Similarly, Parke's (2003) review documents that children in same-sex couple families are no more likely to show poor outcomes than children raised by divorced heterosexual parents (Parke 2003, p. 6). (Since many children raised by gay or lesbian parents have undergone the divorce of their parents, researchers have considered the most appropriate comparison group to be children of heterosexual divorced parents.)

Fifth, we should question the anxiety and hostility embedded in the concern that some boys and young men will 'turn into sissies' or 'poofs' – that they will be overly feminised or homosexualised

in being parented by single mothers or same-sex couples. As Rickard (2002, p. 2) notes, why do unconventional gender or sexual orientations necessarily count as adverse outcomes? This concern has no empirical basis, and it is based on a hostility to stereotypically feminine qualities, anxiety about changing gender relations, and homophobic discomfort with or blunt discrimination against homosexuality. Whether a heterosexual child is growing up with gay or lesbian parents or a homosexual child is growing up with heterosexual parents, that child should not be subject to coercion, punishment, shaming or silencing with regard to or in response to their sexual orientation.

Homophobic attitudes and policies do harm to young and adult gay men and lesbians, but they also limit the lives of heterosexual men and women. Homophobia intensifies the pressure on boys to 'prove themselves', refrain from close friendships, gain sexual experience, and use physical and verbal violence against one another (Flood 1997). Boys' interpersonal relations and life chances also are limited by traditional and rigid forms of masculinity, premised on being emotionally constricted, tough and dominating. For example, aspects of such constructions of masculinity impair boys' positive participation in schooling (Gilbert & Gilbert 1998). Rather than trying to defend an anachronistic role for males which is both limiting for men and harmful to women, we should accept and indeed foster the diversity of gendered ways of being already in existence among boys and men, in the name of what Connell (1995, p. 233) terms 'gender multiculturalism'.

Sixth, in terms of fathers' influence on their sons' development, it is their characteristics as parents rather than their characteristics as men which are important. First, there is little correlation between the masculinity of fathers (measured in terms of adherence to stereotypical traits or attitudes) and the masculinity of their sons. The quality of father-son relationships is a crucial mediating variable: research on such correlations over the 1940s to 1960s found that "boys seemed to conform to the gender-role standards of their culture when their relationships with their fathers were warm, regardless of how "masculine" the fathers were." (Lamb 1995, p. 29) Across a range of studies of paternal influences on gender-role development, achievement and other outcomes, the consistent finding is that characteristics of fathers (such as masculinity) are far less important formatively than the warmth and closeness of fathers' relationships with their sons. Ironically then, stereotypically 'feminine' characteristics of the father such as closeness and intimacy are associated with 'better' gender 'adjustment' in sons. Similar findings apply to mothers and children. To summarise,

As far as influence on children is concerned, very little about the gender of the parent seems to be distinctly important. The characteristics of the father as a parent rather than the characteristics of the father as a man appear to influence child development. (Lamb 1995, p. 30)

Finally, fathers themselves do not see being a 'role model' for their sons as a key part of their parenting role. If Australian fathers are asked what they do as fathers which they feel is important, they emphasise such themes as 'being accessible when children need you' and 'guiding and teaching your children'. Fathers do not rank 'being a role model for your son' very highly, with only ten percent of fathers in a 1999 national survey stating that it was the most important aspect of their role. The evidence is that very few fathers believe that they are more important to their sons than their daughters, and fathers in general do not perceive themselves to be closer to their sons than their daughters, instead perceiving this closeness as very similar for both (Russell et al. 1999, pp. 29-34).

## **Bogus claims about father absence: The case of “Boys from a fatherless home are 14 times more likely to commit rape.”**

“Boys from a fatherless home are 14 times more likely to commit rape.” This is one of the claims commonly made by those who argue for the destructive effects of father-absence on families and society. It was part of the “12 Point Plan” released by the National Fatherhood Forum in June 2003, and highlighted in media coverage of the issues.

Yet this statistic is an invention. It is made up. And while this claim has no basis in fact, it is endlessly repeated, for example on the websites of men’s and fathers’ rights, child custody and conservative Christian groups such as the Australian Men’s Network.

To assess the claim’s accuracy, first we have to figure out where it came from. Doing this reveals the endless repetition of an unsourced, unsubstantiated and ultimately inaccurate claim. The National Fatherhood Forum’s “12 Point Plan” cites Rex McCann’s *On Their Own: Boys growing up underfathered* (p. 47). McCann cites a fathers’ rights newsletter on the Internet. The relevant article in this newsletter (<http://www.fathermag.com/news/2778-stats.shtml>) cites an American men’s newsletter, *Getting Men Involved: The Newsletter of the Bay Area Male Involvement Network* (Spring 1997). The statistics themselves are attributed to a 1994 e-mail message by Marty Dart (<http://www.menweb.org/throop/nofather/dart.html>).

Here the actual text of the newsletter article is reproduced, and it is here finally that we see how this “statistic” was constructed. The article states, “80% of rapists motivated with displaced anger come from fatherless homes (Source: *Criminal Justice & Behavior*, Vol 14, p. 403-26, 1978.)” It then goes to state, “These statistics translate to mean that children from a fatherless home are: ... 14 times more likely to commit rape.” The citation is wrong, as the article was published in fact in 1987 (Knight and Prentky 1987).

There are six problems with the statistical extrapolation being performed here.

- (1) It is entirely unclear how “80 percent of rapists” translates into boys being “14 times more likely”.<sup>1</sup>
- (2) The statistic shows correlation, not causation. Both the absence of a father in a household and children’s rates of rape perpetration may be shaped by other factors, such as poverty, relationship conflict and violence, crime and drug use. Marty Dart does not note for example that half to three-quarters of the 108 convicted and imprisoned rapists in the study were physically abused as children and many were neglected (Knight & Prentky 1987, pp. 414-415).
- (3) A study among 108 convicted prisoners in Massachusetts cannot be extrapolated to the population at large.

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<sup>1</sup> Marty Dart writes that the way he “arrived at these numbers was by comparing the percentage of children that were fatherless in our country to the percentage of people who had been fatherless that were involved in crimes” (pers. comm., 5 August 2003). However, the statistics do not work. In 1985, approximately 20 percent of children aged 0-17 in the US lived with a single mother (Sigle-Rushton & McLanahan 2002, p. 54). If children from fatherless homes were proportionately represented among rapists, then they should be 20 percent of the population of rapists. So if 80 percent of rapists motivated with displaced anger come from fatherless homes, then children from fatherless homes are four, not 14, times more likely to commit (this type of) rape.



- (4) Even if this extrapolation were plausible, the claim takes no notice of changes over time in fatherlessness, rape and a host of other social factors. The journal article was published in 1987, the commentary from Marty Dart comes seven years later, and contemporary repetitions of the alleged statistic rely on material which is 16 years old.
- (5) According to the text, it is not 80 percent of all rapists, but 80 percent of rapists with a particular motivation (and again it is not clear how this translates into the “14 times” figure).
- (6) While the 1997 text states that *children*, not *boys*, are 14 times more likely to commit rape, commit suicide, suffer behavioural disorders, etc, “children” becomes “boys” in most repetitions of these claims.

Thus, the source for an alleged statistic endlessly circulated in 2003 turns out to be an inaccurate and misleading extrapolation of a figure from an article written a decade and a half ago.

In contrast to such simplistic accounts of rape’s causality, contemporary scholarship assumes that violence is “a multifaceted phenomenon grounded in an interplay among personal, situational, and sociocultural factors” (Heise 1998, pp. 263-264). Boys’ and men’s perpetration of sexual assault is shaped by attitudes and norms related to gender and sexuality, definitions of masculinity as dominant and aggressive, unequal power relations in families and communities, and economic and social marginalisation (ibid).

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