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Kate Gleeson

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A VOICE FOR THE INJURED

Bettina Arndt and Australian Family Law

Kate Gleeson

Abstract This article analyses the nature and effect of the campaign against the Family Court led by social commentator Bettina Arndt from 1995 to 2006, in the context of the men's rights agenda and the politics of anti-feminist backlash. It documents the changes to Australian family law and the workings of the Family Court under the Howard government, as a result of this campaign, in order to understand the politics of backlash in the context of Wendy Brown's *States of Injury* theory of 1995. In this analysis, the conservative men's rights agenda is understood as a reaction to structural and economic adjustments associated with neoliberal reforms, especially labour market regulation. But this context, of structural adjustment, is distorted in the rhetoric and focus of campaigns characterised by anti-feminist backlash, such as that directed at the Family Court in Australia. The example of Arndt and her championing of men's rights in this arena is presented as a means by which to compare the different experiences and traditions of feminism in Australia and America, and the associated politics of backlash in each nation, all of which have had a profound influence on Arndt's outlook and work.

Bettina Arndt is a remarkably understudied figure in Australian law and politics. Capitalising on her prolific media career over three decades including editing the 1970s sex advice magazine *Forum*, Arndt was brought into the fold of the conservative Howard government as an advisor on issues such as assisted reproduction, education and child support. Her persistent criticism of matters of family law proved most influential, and saw Arndt serve on the 2001 Family Law Pathways Advisory Group, which was instrumental in redrafting family law in 2006. Nonetheless, Arndt has received scant academic attention, albeit with acknowledgements made of her status as a leading advocate of the Australian men's rights movement (e.g., see Flood 2004; Kaye and Tolmi 1998). Arndt once described herself as a feminist inspired by Germaine Greer, and feminism as 'the most significant social movement of the second half of the 20th century', but still she blames the women's movement for naively expecting men to change in line with a revolution in personal relationships 'sought by women and imposed on men' (Arndt 1995a, 2). Arndt advocates a men's movement, unrelated to feminism, through which 'men are changing in response to their own needs rather than simply acquiescing to remove obstacles to women's progress' (Arndt 1995a, 7). It is men in *marriages* with whom she is most concerned. On the appointment of Australia's first female Prime Minister Julia Gillard, Arndt criticised Gillard for setting a negative example by living in a de facto relationship, or 'marriage lite' as she described it (Arndt 2010b, 11).

In the past, the occasional question was raised about Arndt's relationship to feminism, along the lines of 'Bettina Arndt: Friend or Foe?' (Young 1994). But it has been a long time

now since Arndt was considered a possible friend to feminism. Since the mid-1990s, the answer has been a resounding 'foe!', much to Arndt's apparent satisfaction. Arndt's extolling of men's rights, as well as her critique of feminist analyses of domestic violence, sexual assault, sexual harassment and sex within marriage, has provoked feminist ire in the press (e.g., see Bastow 2012), leading her to write of a 'Bettina Arndt hate campaign' staged by women (www.bettinaarndt.com.au). A typical appraisal of Arndt has her reading early the winds of change following the libertarian moment of the 1970s to presciently embody the New Right conservatism of Thatcherism and Reaganism, in time for their Australian counterpart brought to bear under Howard from 1996. Some commentators, including Arndt's 'friends', suggest there is a 'good chance' Arndt made the calculated choice to champion men's rights 'because no-one else was' (Pascoe, quoted in Cadzow 2010). At the same time, Arndt has been described as part of an effective male 'backlash' against feminism (Young 1994, 10), a phrase that should prompt consideration of Susan Faludi's 1991 treatise *Backlash: The Undeclared War Against American Women*. Curiously though, at the time of Faludi's book there was significant doubt about its relevance to Australia, when femocrats still reigned federally, feminist rape law and other reforms were implemented and women's departments flourished within state governments and academia. Indeed, Arndt's concerted reinvention of herself as a men's rights champion in Australia from 1991 benefited significantly from her time spent living in New York in the late 1980s, and mostly pre-empted the Australian experience of feminist backlash both within the movement (such the 1995 *First Stone* controversy) and outside it, such as the 'revenge of the mainstream' performed by Howard on feminist bureaucracies and women's services and programmes from 1996 (Johnson 2000).

In this article, I am interested in examining the nature and effects of Arndt's ideas and campaigns in the area of family law to document their effect, and as a way of exploring the differences between Australian and American feminist traditions and the related politics of 'backlash' in each nation. Although she has been a prolific commentator on many aspects of interpersonal relationships, especially in the Murdoch press, from 1995 to 2006 Arndt was preoccupied with family law. While a minority of conservatives, such as current Prime Minister Tony Abbott, argue for the reintroduction of fault-based divorce, or 'covenant marriages' (Abbott 2009), most controversy surrounding the Family Court (hereafter 'the Court') concerns not conditions for divorce, but arrangements for children after divorce. While most couples establish their children's living arrangements at the time they separate without recourse to law, for those who cannot come to agreement the Court will mandate living and contact arrangements. It has been observed for some time that as no-fault divorce came to be generally accepted in Australia, a gendered 'war' over *parenting* emerged, coinciding with the displacement of marriage as the 'pivotal regulatory concept' in family law and the development of a 'research-informed' approach to deciding disputes about children's living arrangements (Rhoades 2010, 164). With the demise of divorce as a source of contest between spouses, and between progressive and conservative ideologies, battles over children grew in prominence (Rhoades 2010, 164), with men's rights lobbies increasingly arguing for a form of what they call 'joint custody' to be mandated by the Court. The question of domestic violence has been central to this contest. For some men aggrieved by Court decisions and the related issue of child support payments, the entire family law system has acted as a lightning rod for greater feelings of displacement in a post-feminist world. This is a position Arndt has been keen to champion. In particular, during a period coinciding mostly with the Howard years (1996–2007), a

populist discourse of men being systematically disadvantaged by the Court came to prevail, while the Court's function and budget were transformed and undermined. Former Chief Justice of the Family Court, Alastair Nicholson, described this as a time when, fuelled by Arndt's commentary, many politicians and members of the public came to believe that 'fathers [were] in fact victimised by the system' (2004). This discourse culminated in family law reforms of 2006, which diluted feminist understandings of the role and nature of domestic violence in family breakdowns and enshrined the new legal paradigm of the 'rebuttable presumption of shared parental responsibility' of children in Court ordered decisions. Undeniably, the men's rights campaign has been effective.

To expand the backlash thesis of Faludi and others, the work of Wendy Brown on *States of Injury* (1995) is useful, and I suggest it may help explain the peculiar nature of Arndt's outlook, which is informed by a persistent Australian libertarian streak nourished in her time with *Forum*, as well as the perceived 'injuries' of American men suffering from economic and cultural displacement under neoliberalism, especially Reaganomics. Brown uses Nietzsche's concept of *ressentiment*—the moralising revenge of the powerless, the 'triumph of the weak as weak' (Brown 1995, 67)—to represent the psychological state experienced by groups and individuals who, on finding their expression of the good life frustrated and marginalised in liberal democratic political regimes, seek solace in politicised identities. This is particularly the case for women who, in order to participate in patriarchal public life, must embody identities of 'embittered but consuming *ressentiment* over their exclusion' (Brown, quoted in Genovese 2007, 186). Ann Genovese has shown the limitations of understanding *men's* experiences of *ressentiment* in response to feminist orthodoxy in politics and policy, because despite the rise of feminism men still remain 'the normative subject' (2007, 187). Nonetheless, Margaret Thornton notes that when the political and cultural 'pendulum swings to the Left' conservative men (and women) do tend to assume an identity of having been 'injured' (Thornton 2006, 154).

The focus and rage of men directed at the Court, as enunciated by Arndt, represents a none-too-subtle rage at feminism, an easy target for men seeking a qualitative social change to identify as implicated in their fate of displacement. But this discourse promoted by Arndt of conservative/progressive culture wars and associated psychic injuries serves to mask the *material conditions* that contribute to men's lived experiences and identities of powerlessness, even those who constitute the normative subject. Contemporary identity politics emerged in response to the neoliberal transformation of society and economy, 'rooted in disciplinary productions but oriented by liberal discourse towards protest against exclusion from a discursive formation of universal justice' (Brown 1995, 58). In Brown's analysis, the identity of *injury* is heightened by the individualising conditions of modern society that have seen traditional forms of association disintegrate alongside an unprecedented expansion of domination by 'capital and bureaucratic state and social networks', leaving the citizen to feel an 'unparalleled individual powerlessness over the fate and direction of one's own life' (1995, 68). But still feminism remains a primary target for 'angry white men' (Sawer 1999, 1). Identities of a 'state of injury' continue to inform contemporary conservative agendas in today's atomised society, manifesting frequently as 'the politics of reproach, rancour, moralism and guilt' (Brown 1995, 68) directed at feminism.

Hence, while mostly overlooking the changing economic and structural positions of men, Bettina Arndt links men's alienation and feelings of powerlessness in regard to their families almost exclusively to a *feminist success*, whereby traditional fatherhood and other

masculine roles have been devalued in a feminist-affected society in which 'men are losing' (*ABC TV 2007*). Angela McRobbie (2010) notes that one of the central truisms of post-feminism is that of a feminist success in politics, culture and society that has 'gone too far'. The Australian experience of state feminism and the work of femocrats make this country's feminism especially vulnerable to these claims. In particular, Arndt depicts the Court as having been captured by feminism to the detriment of men, providing an arena in which:

vile accusations are made against men with impunity, where perjury has no consequences. A court where men have to pay and pay to try to persuade the Court to enforce its own orders. A court which even allows a woman to rename her child if it suits her. (2005, 92)

In contrast, Genovese writes that the idea of a feminist success in the Court is 'simply not empirically or legally correct' (2007, 179).

Understanding Arndt and the Australian men's rights campaign against the Court in terms of a 'state of injury' helps expose the strategic use and effect of the grievances of those men who despite their 'normative subject' position identify as injured, *particularly and paradoxically at times of conservative rule*, when their claims have the greatest capacity for influence. In the first half of this article, I introduce Arndt and the cultural and political traditions in which she resided before the time of the Howard government to emphasise the national idiosyncrasies of American and Australian feminism. In the second half, I provide a detailed exposition of the effects of the men's rights agenda on family law under Howard to illustrate the paradoxical power and success of a conservative agenda that perpetuates an identity of powerlessness and 'injury' as a crucial element of its campaign, which is *encouraged* by 'sympathetic' regimes such as the Howard government. Each focus deserves detailed attention. Despite her one-eyed view of family law, Arndt provides a more complex example than a caricature of conservative backlash, or a simple disagreement over who benefits from the workings of the Court. For, although she has proved a phenomenal ally and champion of aggrieved conservative men, Arndt's Australian libertarianism has left her out in the cold with many conservatives in power, including, ultimately, the Howard government. But this characteristic outlook of Arndt's has forged no relationships with Australian feminists either, who have long since moved on from their libertarian heritage. Arndt may well be one of a kind.

Bettina Arndt, the 1970s and *Forum Magazine*

The daughter of accomplished economist and German Jewish exile Heinz Arndt and his wife Ruth, Bettina credited her parents' relationship, 'a very modern marriage' and 'remarkable', as inspiring her faith in men and women (Arndt 2007, 93). As Heinz's only daughter Bettina was aware she 'held a special place' in the heart of the genteel 'Renaissance man' that was her father. To 'grow up adored by such a man' as Heinz, 'so elegant, charming, intelligent and fun loving, was all a girl could wish for' (Arndt 2007, 93). Ruth she described as an independent woman, 'a staunch social democrat', who was gravely disappointed when her husband 'did an about face' politically and resigned from the Labor Party over Gough Whitlam's support of China, and co-edited the conservative

Quadrant magazine in the 1980s (Arndt 2007, 94). Still, their marriage endured, which Bettina credited to Heinz's placating temperament. The sex therapist in Bettina was cultivated by Ruth who had 'quite a reputation for getting people to tell all, and the confidences naturally included a fair share of spicy sexual tales'. Ruth was 'far from a shrinking violet' about sex. In the 1950s, she would:

smuggle in the books that were banned at the time ... like *Peyton Place* and *The Group* and *Lady Chatterly's Lover*—and she'd hide them on the bookshelf by covering them in brown paper wrapping, which made it just great for the Arndt kids growing up to know exactly where to go for a bit of sexy reading. (ABC TV 2007)

Arndt completed her masters of psychology at the Australian National University in 1973, specialising in orgasm dysfunction and Masters and Johnson's techniques of 'finding new ways of making things a little bit better in the bedroom' (ABC TV 2007). William Masters and Virginia Johnson revolutionised sex therapy in the 1960s and were initially embraced by feminists for their focus on the clitoris in women's sexual pleasure and debunking Freudian theories about vaginal orgasm. Eventually, however, they came to be criticised for an uncritical promotion of a male sexual standard (Jeffreys 1991). In 1973, Arndt approached Clyde Packer for a job as a consultant to *Forum*, the sex advice magazine with accompanying clinic based on the American enterprise of the same name, which Packer was about to launch with Mike Willesee and John Cornell. Arndt seized the opportunity to 'get out there and tell the world' about sexual anatomy and the Masters and Johnson view of sex (ABC TV 2007). As Packer's first publishing foray since leaving Australian Consolidated Press and the family empire, *Forum* was a controversial venture for a man who had been a NSW Liberal Upper House member of parliament since 1964. But *Forum* was Clyde to a tee. Conservative in matters of party politics only, Packer embraced the counter culture (belatedly) in the 1970s, donning caftans, producing pop music and managing avant-garde performer Barry Humphries, while forging relationships across cultural divides.

Packer saw sex as a matter of health and well-being, particularly in marriage (Packer 1973). A devotee of Masters and Johnson, he was sympathetic to women's liberation, the rights of homosexuals and other sexual minorities, and had an enduring relationship with renegade Sydney dominatrix Madam Lash (Everingham 2011). He used *Forum* and its frank discussions of sex and relationships to combat the influence of the church in schools and drag Australia towards the 'glossy democracy we now aspire to be', because in 1973 Australia was regrettably far from being the 'Denmark of the South Pacific' (Packer 1973, 65–69). *Forum* was feminist in so far as contemporary Sydney feminism, such as Greer's, promoted unquestioned sexual liberation as influenced by the anti-totalitarian, Reichian inspired ethos of the Sydney Push (Gleeson 2013). The magazine promoted sexual liberation, anti-censorship, abortion and homosexual rights, informed by the Masters and Johnson mode of sex therapy as 'technique' and emphasis on mutual consent ('if it feels good, do it') including group sex and swinging for married couples (Carew, quoted in Cadzow 2010). It ran profiles of Madam Lash and her Darlinghurst 'torture chamber', and in its early years featured regular columns from Greer. But it was the readers' letters that 'made' the magazine. Packer 'went to enormous trouble with the letters', which were 'absolutely genuine and all from Australians' (quoted in Brodie 1984, 70).

The magazine, and Arndt's sex counselling, was controversial beyond its readership and in 1973 Arndt was 'banned' from broadcasting on talkback radio and her television

interviews were censored (Arndt 1974, 12–14). Aged 23, Arndt was ‘star-struck by instant fame by being at the epicenter of Packer’s civil libertarian circle’, including Germaine Greer, Donald Horne and Lionel Murphy (Hope 1989, 12). In 1973, Packer introduced Arndt to her first husband, *Age* journalist Dennis Minogue, a married father of two who ‘didn’t present himself as a married man’ (ABC TV 2007). Minogue left his wife for Arndt and the couple had ‘a huge romance’, marrying and bearing a son (ABC TV 2007). When it was clear that Australia was not evolving at a suitable pace, Packer emigrated to California in 1976, making a gift to Arndt and Minogue of *Forum*, which the couple edited until Minogue’s death in 1981, aged 37, of a heart attack, when Arndt closed the bankrupt magazine. The experience of Minogue’s ‘very messy’ divorce was influential to Arndt who has been writing ‘ever since’ about ‘the risks of losing your children as a divorced man’ (Valent 2009, 26). At the time of Minogue’s divorce, Arndt ‘didn’t think about children. I didn’t know anything about children and now I know what it did to those children and I take responsibility for that’ (ABC TV 2007). She since concluded that ‘men’s relationships with their children are so perilous and at the mercy of the women in their lives’ (Valent 2009, 26). Even before the *Family Law Act 1975* [‘the Act’] initiating no-fault divorce came into effect, *Forum* ran prescient, sympathetic stories about divorce and its impact on children.

After the Party: America in the 1980s

After the close of *Forum*, Arndt (1984) ran a mail-order sex toy and lingerie business and published a number of books on sex advice, including *The Bettina Arndt Guide to Lovemaking for Women*, in which her views on men’s sexuality were becoming apparent:

Looking at what’s happening to men and women in bed today, it wouldn’t surprise me at all if more and more males chose to stick to their beer. Sex is fast becoming a battlefield, with women calling more of the shots. What really worries me is that if women keep on the way they are, the enemy will stage a retreat, licking their wounds. (1984, 7)

In 1986 Arndt, who ‘really can’t live without men’, married American lawyer Warren Scott (‘six foot four, blond and gorgeous but he hates to be seen as a sex symbol’) in the Catholic Naval Memorial Chapel in Sydney’s Watson’s Bay (Hope 1989, 10). The couple moved to Manhattan, where Arndt found it ironic ‘having spent years and years preaching to men about the importance of family life, to be married to a man who has absolutely no choice about working a 70 or 80 hour week’ (Hope 1989, 10). Although she found it a ‘relief to escape to the anonymity’ of her new life (Arndt 1989, 2), Arndt ‘underwent an identity crisis’ as she battled loneliness and depression, had two more sons and wrote opinion and agony aunt columns for the Australian and American press, shifting her focus to ‘personal relationships, not sex’ as she worried about the impact of her reputation on her husband (Hope 1989, 10). During this time, Arndt reassessed Masters and Johnson as wrong on many counts, most notably the idea that women have sexual desire equal to men. The sexual problems of the 1980s she identified as loss of sexual desire and differences between people in their level of desire (*Australian Forum* 1986, 58). Increasingly Arndt pursued her interest in ‘the basic questions of what makes marriage work’ (Hope 1989, 10), concluding that ‘if you look at men in relationships that’s where men are really

powerless, and women are the ones who hold the power and are setting the rules and are determining that men are inadequate' (Burgess 1989, 5).

Arndt's time in the USA coincided with a number of significant cultural and political events, including the height of the AIDS epidemic, the New York statistics for which she found 'terrifying' (Arndt 1989, 5), and the ascendancy of a national panic over ritualised child sexual abuse centred on child care centres—already much demonised by some conservatives as feminist/communist gulags—as well as allegations of satanic cults and recovered memories of incestuous abuse among adults (Jenkins 2006). In 1988, in response to 'the latest child abuse scandal' dominating New York newspapers, Arndt aired her concern for divorced men as (routinely, in her view) victims of false allegations by their ex-wives and identified a 'new timidity' among fathers in intact families afraid of being suspected as child molesters (Arndt 1988, 163). The Reagan era is usually described as consolidating the conservative backlash against feminism underway in the USA since the late 1970s, when abortion rights became most directly under threat and the Equal Rights Amendment was systematically defeated at the level of the states. But Arndt depicts this as an era of the cultural ubiquity of feminism. Her thinking appears to have been influenced profoundly by the implosive outcomes of the American pornography wars following the release of the 1986 Meese Commission Report, which she interpreted as conclusive evidence of a punitive and puritan feminist success in the realm of sex and relationships.

In the 1970s, American radical feminists protested the proliferation of public pornography, but by the end of the decade fundamental divides were forged within the women's movement over the issue. An intractable dispute over the authenticity of feminist sexual practices and their representation culminated at the 1982 Barnard conference, which was picketed by excluded anti-pornography activists (Bronstein 2011, 297–303). The point of no return came in 1983 when academic lawyer Catharine MacKinnon and Andrea Dworkin, designed a civil rights remedy to address pornography as sex discrimination—a move supported by a number of prominent campaigners including Robin Morgan and Gloria Steinem but rejected by many other feminists (Brownmiller 2000, 318–321). Those feminists, such as Dworkin and MacKinnon, who chose to cooperate with the Attorney General's Commission on Pornography [the Meese Commission] felt the wrath and incredulity of those who did not. A second-term spectacle of Reagan's presidency, the Commission was understood as a debt to conservative Christians. It heard testimonies from the vice squad and 'victims' of pornography alike and cannily appropriated feminist rhetoric to damn pornography as the 'degradation of women', while recommending the heightened enforcement of traditional obscenity provisions (Califia 1986). Content to exploit feminist testimony and language about pornography, the commissioners rejected feminist remedies such as the Civil Rights Ordinance continually promoted by MacKinnon and Dworkin. The American women's movement was never the same (Brownmiller 2000).

Arndt perceptively understood the American feminist fascination with pornography as a reaction to male power in the *public sphere*:

because women haven't made the gains they would like to have made in careers, opportunities, equal pay etc, the pornography issue gave a focus where women could exert their power over men by determining male standards of sexuality as being dangerous, inappropriate and destructive to women. (Burgess 1989, 5)

But this did not diminish her impression of men suffering tragically *in private*. Men's use of pornography she understood in part as emblematic of 'the powerlessness of men constantly at the mercy of sexual desires which leave them humiliated and beholden to women, their sexual gatekeepers' (Arndt 1995a, 32). Arndt's analysis of anti-pornography feminism complements that of American Anne Snitow (1986) and highlights the different treatments of pornography by feminists in America and Australia. The Australian feminist treatment marks a significant and enduring point of difference from American feminism, whereby a strong anti-censorship and libertarian heritage has meant that there was never comprehensive opposition to pornography in Australia. Moreover, the cooperation of reformist Australian Labor governments with feminist goals (especially at the time of Reagan) is also implicated in explaining a long-standing Australian feminist ambivalence towards pornography, relative to the frustrations and rage of women forced to negotiate the hostile American state of the 1980s (Gleeson 2013). These frustrations did not manifest in the same ways in Australia, at a time when feminist campaigns for rape law reform prevailed in NSW, where the state government claimed to 'lead the world in women's rights' (Niland in Bramston 2006, 184–192), and femocrats pioneered gender budgeting at the centre of the Hawke federal government.

The American Men's Movement

Arndt's analysis of pornography and feminism went significantly awry in her misplaced transference of the American experience to Australian culture. Arndt's views on Australian men's position in cultural discourse about sex and relationships were clearly consolidated in the context of America. In particular, they were consolidated in regard to the pornography wars and following the 1987 release of the third Hite Report, *Women and Love*, of which Arndt was highly critical, and a 1989 book written by baby-boomer *Rolling Stone* journalists Steve Chapple and David Talbot: *Burning Desires. Sex in America* (Arndt 2009b). Incredibly, Arndt cited this source as authority for the claim in her 2010 book *What Men Want in Bed*, that Australian men have been left 'reeling and silenced' about sex by feminists such as Dworkin and Hite, because in the 1980s 'there seemed no escape from the attack on men's sexuality' (Arndt 2010a 2–5). But this is not Chapple and Talbot's main message. *Burning Desires* is, in fact, a journalistic 'celebration of smart and dirty sex in dangerous times' (Chapple and Talbot 1989, xiv), inspired by the authors' observations about the paradoxes of 1980s America, when a fear of AIDS and family breakdown predominated in the public psyche alongside a bombardment 'of arousing images wherever we turned: explicit sex play in daytime soap operas and prime-time TV shows ... [and] a frank new eroticism in movies' (Chapple and Talbot 1989, xii–xiii). The section cited by Arndt on 'sex-wars' explaining 'how the ancient conflict between men and women heated up during the 1980s' (Chapple and Talbot 1989, xv) is overshadowed by the authors' desires to 'shed light on those forces that were keeping the country's sexual pulse strong and true' (Chapple and Talbot 1989, xiv). Most importantly, this analysis of America bears little relevance at all to the Australian experience of the 1980s.

Crucially, *Burning Desires* includes an informative discussion of the American mythopoetic men's movement, the ideals of which complemented Arndt's view of men as 'losers' that she consolidated at this time. The contemporary men's movements that emerged in Britain and the USA in the 1980s were distinct from pro-feminist men's

movements of the 1970s, and focused on the triple concerns of men's identities in work, fatherhood and sexuality in a changing economy and society under Thatcher and Reagan. The notion of 'masculinity in crisis' accompanied two strands of the 1980s movements, which shared the common identity of men as the truly oppressed or 'disposable' sex. These were an anti-feminist men's (particularly fathers') rights agenda and a 'new age' mythopoetic agenda concerned with reclaiming a 'true' masculinity, typically caricatured as men meeting in the wilderness and beating drums to help them 'overcome the mortifications of boyhood, break out of the "force field of women" and ultimately unleash "the wild man within"' (Chapple and Talbot 1989, 189). 'Mythopoetic' refers to the mythological inspiration of the movement's leaders such as ex-1960s peace protestor Robert Bly (1990), author of the central mythopoetic text *Iron John*, in which Bly argued that men need to recover the myth of the Wild Man of Grimm's Fairy Tales. A central tenet of both movements was that in the twentieth century, fatherhood was under assault. While the men's rights agenda tended to blame feminism, the mythopoetic case was that men were severed from their fathers as role models, first through stoic male conditioning and second through the breakdown of families in which men were physically absent (Chapple and Talbot 1989, 189).

In *Burning Desires*, Chapple and Talbot wrote that by the end of the 1980s the American mythopoetic movement had peaked:

It is no longer limited to the Birkenstock-sandals set in Berkeley and Cambridge. The ranks now include cops and dogcatchers, corporate lawyers and computer executives. American men are on the march, God help us all. The elephant has risen, and he is in pain. (1989, 188)

The mythopoetic movement had (limited) common agendas with more political post-feminist treatises on men's rights, such as Warren Farrell's (1993) *The Myth of Male Power*, responding to men's changing economic and social status within neoliberalism stemming from the time of Nixon, which Susan Faludi described as an exemplar of the American cultural and political backlash against feminism (Faludi 1991). In the USA and the UK, more so than Australia, analyses such as Farrell's appeared to respond to economic recession and structural reforms of the 1980s, when a 'crisis' in regard to men's work in a restructured economy corresponded with crises in the identities of fatherhood and heterosexuality and conservative 'pro-family' politics was pursued by asserting the 'natural' quality of the traditional male role in the family (the 'breadwinner') just as that role was being economically undermined (Collier 1996, 17). Richard Collier has noted how labour market restructures impact most severely on men, who were traditionally *socialised* through taking on economic responsibility which bound them to the family (1996, 21). Hence, the 'masculine socialization process of father-as-provider' was itself breaking down as a range of cultural and economic developments combined to undermine the 'traditional' masculine role of breadwinner (Collier 1996, 21). At a time when not only economic stratification but 'other injuries to the human body and psyche enacted by capitalism' were normalised and propagated by the state as embodying individual liberties, 'other markers of social difference' for men came to bear 'an inordinate weight' in public discourse (Brown 1995, 60). In Brown's analysis, the new politicised identities of this era, such as those populating nascent men's rights movements, were made to 'bear all the weight of the sufferings produced by capitalism' (1995, 60).

The 1990s: Arndt Arrives in Australia

Authors such as Beatrice Faust (and Arndt) denied the relevance to Australia of the American cultural and political backlash against feminism under conservative governments that Faludi documented (Faust 1994). However, in their focus on estranged fathers, Australian groups concerned with divorce and the Court, such as the Lone Fathers Association of Australia (LFAA), formed in 1974, did share a limited agenda with the various American (and British) men's movements. In particular, from the time of the introduction of the Child Support Scheme in 1989, Australian fathers' rights lobbies grew in number and visibility, protesting decisions in the Court. Hence, when the Court and its justices were targeted by domestic terrorism in the 1980s, the Australian press portrayed this violence as the predictable outcome of men's grievances about dispute settlements (James 2006–2008). Nonetheless, American-style movements concerned with men's experiences of *intimacy* and *relationships* had virtually no outlet or public profile in Australia until Arndt and her family returned to live in 1991. Managed by celebrity Agent Harry M. Miller, Arndt was keen to 'hit the speaking circuit' (Whitlock 1991, 3). Her return address to the Press Club indicated her new ideological direction and professional interest: 'The New Sexism. Why Men are Losing Control of Their Private Lives' (Bachelard 1991, 3). Arndt returned to write syndicated columns for Australian newspapers and magazines on themes of gender and relationships at a time of both economic recession impacting on traditional male industries and an apparent peak in feminist dominance in areas such as rape law reform, and a discrete spike in feminist activity around censorship of pornographic magazines and objection to sexist media (Gleeson 2013). Arndt's return also coincided with the short-lived Australian experience of ritualistic and repressed memory child sexual abuse court cases, of which she was very critical (Arndt 1995a, 62–68).

In May 1993, Arndt wrote a defining article in *The Australian*, 'Men Under Siege', outlining her ideology, reflecting some of the core concerns of the American backlash against feminism and its British counterpart. Despite having witnessed the ascension of the American men's movement in response to recession and economic restructures, Arndt did not implicate the economic position of Australian men in what she viewed as their impaired social status. In fact, Arndt praised the Keating government's introduction of enterprise bargaining in the midst of recovery from recession as enabling 'family friendly work policies, paternity leave, flexible hours, childcare' that would assist in 'men's liberation' (Arndt 1995a, 204). Feminism was her target and Arndt catalogued a myriad of concerns to portray men as existing in a thoroughly hopeless, 'no win' situation invoking the type of *ressentiment* that Brown identifies as characteristic of contemporary alienation. She wrote:

[W]omen's critical view of men's private behaviour now totally dominates the cultural dialogue. It is rare that a man publicly defends himself or supports masculine behaviour without being accused of sexism, on the grounds that by implication, he must be demeaning women. Any male promoting the role of fathers is seen as criticising single mothers, the man who supports his wife's role as a fulltime homemaker is suspected of thwarting her career ambitions... [E]xtreme feminist views on men are regularly promoted, with no attempt at providing a counter-view. ... When it comes to the defence of men, the silence is deafening. (Arndt 1995a, 221)

In support of this claim, Arndt incongruously cited the recent (1991) federal McKeirnan Committee investigating the *Family Law Act 1975*, which was widely perceived as a response to the agitation of men's lobbies and overwhelmed with their submissions (Arndt 1995a, 226–227). Finally, Arndt extolled her long held belief that men 'grovel for sexual favours' from their partners, because 'with women now firmly convinced of their right to say "no", men must struggle to please, to conform to the new female-led standards required for "love making", forsaking the ruttish piston mechanics they once preferred' (Arndt 1995a, 228). While Arndt shared much in common with the 'injured', conservative male voices critical of feminism that emanated from America and the UK at this time, her opinion was incongruously coloured by a persistent, anachronistic, Australian libertarian streak incredulous of the harm of sex. Although 'not denying the very real damage that is caused by serious' child sexual abuse, Arndt warned of the damage done to children and society by 'promoting a view of men as risky companions for children'. She reflected that:

back in the 1970s, as a sex therapist and editor of *Forum* magazine, I talked to many people who, as children, had experienced some sexual encounter with an adult, which they saw as neither traumatic nor particularly eventful. Now, in the advice column I write for *Cleo* magazine, there's a steady stream of letters from women blaming all manner of current psychological problems on the mere suggestion of past sexual contact with an adult. (Arndt 1995a, 220–229)

The Backlash Arrives in Australia

Continuing in this vein, on 9 August 1993 the Australian Broadcasting Corporation current affairs TV programme *4 Corners* screened an episode produced by Arndt, 'Yes, No, Maybe', which marked a significant turning point in Arndt's relationship with Australian feminists. The programme explored sexual consent, arguing that 'the slogan "no always means no" is myth. Women do not always give men clear messages regarding consent' (Arndt 1995a, 91). It was introduced as providing a response to recent changes in Victorian rape laws that clarified in statute the meaning of consent as 'free agreement' and stipulated that judges must advise juries of the burden of proof on the defence to prove consent in rape trials (Eastel 1998, 31–32). The Victorian *Crimes (Rape) Act 1991* was the product of recommendations of the Law Reform Commission of Victoria and appeared to reflect feminist ideals of mutuality and communication in sexual relations. Contrary to these ideals, Arndt argued that couples rarely communicate explicit consent, criticised legalistic approaches to sex, and provided the example of a young woman who 'loves to flaunt her sexual power over men' (Arndt 1995a, 91) by teasing them sexually. The enraged reaction of feminists to the *4 Corners* programme Arndt cited as evidence that 'it is considered heresy to make a film which questions whether no always means no, which shines the spotlight not only on male responsibility but also on women's role in consent' (Arndt 1995a, 90). Arndt gained support from Steve Biddulph, the newly prominent Australian exponent of an American-style men's movement and the work of Robert Bly. Biddulph's (1994) book *Manhood* reproduced lengthy excerpts from Bly's *Iron John*, arguing that men are 'horrendously under-fathered', and described Arndt's *4 Corners* programme as 'superb' for illustrating that 'boys also need to understand that girls are capable of misusing them, that a penis can be a handle to get dragged around by!' (1994, 115).

Arndt and Biddulph's portrayal of men as victims of young women's sexual power transcended the world of popular texts to presciently pre-empt the culture wars that erupted in response to Helen Garner's book *The First Stone* (1995), which Robert Manne described as 'one of the most bitterly contested cultural controversies in Australia' (Manne 1998, 43). In *The First Stone*, Garner presented a highly critical, semi-fictional account of a lawsuit brought to the Equal Opportunity Commission by two women residents of Ormond College at Melbourne University involving allegations of three incidents of sexual harassment by the college Master, perpetrated at the college's valedictory dinner in 1991. In 1993 the College reached a confidential settlement with the complainants including damages (Trioli 1996, 19). At the time of Ormond, Arndt wrote that 'the problem is that with sexual harassment we are sometimes dealing with trivial behaviour' (quoted in Mead 1997, 17), while Garner depicted the incident as illustrating that young women should appreciate their sexual power and that a feminist conspiracy had taken hold of public debate and policy in regard to sexual harassment. The backlash of second wave feminists criticising the new wave, which Faludi documented in America in the 1980s (Faludi 1991), had apparently arrived in Australia. Public reaction to *The First Stone* was seized on by conservatives such as Manne as evidence of the arrival of post-feminism. Accordingly, Manne wrote that the incident 'concerned a clash between two generations of feminists, an older generation for whom the involvement of equal opportunity commissions, law courts and the police represented a corruption of feminism's original libertarian goals; and younger generation for whom the availability and use of such legal channels represented not the corruption of feminism's promise but its fulfillment' (Manne 1998, 43). Nevertheless, numerous 'older' feminists, including Anne Curthoys and Jenna Mead, wrote in support of the legal action taken by the young women (for example, in Mead's edited collection *Bodyjamming* [1997], compiled in response to *The First Stone*). It appears the real divide was between those who pitied the male protagonist as a powerless victim, and those who did not. Arndt made no comment on the release of *The First Stone* but continued describing sexual harassment as concerning men's fear of rejection by women and the law as 'casting a very long shadow of male and female relationships not just in the workplace but in our marriages, our everyday encounters' (Arndt 1995c, 1). It was in the shadow of anti-feminist backlash that Arndt intensified her campaign against the Court.

The Family Law Reform Act 1995

Based on recommendations of the McKeirnan Committee, and a number of other reports, the Keating Labor Government passed the *Family Law Reform Act 1995*, allowing Arndt to consolidate her criticism of the Court and her role as men's advocate in this arena at this time. The Act constituted the first change to the no-fault divorce regime implemented in 1976. Maintaining a focus on 'the best interests of the child', the Act's main reforms involved a change of language from 'custody/access' to 'residence' and 'contact'; an emphasis on parental 'responsibilities' (not 'rights') and corresponding deference to the United Nations Convention on the Rights of the Child, including children's 'rights of contact with both parents'; and explicit mention of the need to protect children from violence either directed at them or a member of their household (Harrison 1999, 327). This provision, the product of feminist lobbying, was the first to mention domestic violence in the no-fault regime. Arndt responded to the reforms by describing

them as returning blame to divorce and predicting that 'domestic violence will be to the '90s what accusations of child sexual abuse were in the '80s—the ultimate card in the divorce battle' (Arndt 1995b, 4). Initially the provisions promoting a child's 'right of contact with both parents' were interpreted in the media as ushering in a new era of dual or 'shared parenting' (akin to so-called 'joint custody'), hence a concerted win for the men's rights lobby. However, while early research into the reforms indicated that 'a pro-contact culture' had developed at interim hearings, where contact with children was generally ordered unless particularly serious violence was alleged, the 'right of contact' provisions were subject to the principle of protecting the 'best interests of the child' and did not eventuate in radical changes to the ultimate pattern of children's living arrangements. Typically, women continued to 'do the bulk of care giving work' after separation (Rhoades, Graycar, and Harrison 2000, 2). Couples who were willing and able to manage flexible shared residence arrangements generally did not require the Court, and while the legislation aimed to 'promote settlement' between parents, it tended to intensify their pre-existing dispositions (Dewar 2010, 142).

By the mid-1990s, a number of groups concerned with fathers' rights and associated campaigns for 'joint custody' had emerged, with a high turnover of groups surviving due to the 'tireless efforts of one or more key individuals in the organisation' (Kaye and Tolmie 1998, 4). These included Dads in Distress, Dads against Discrimination, Dads on the Air, Men's Confraternity, Parents without Partners, Parents without Rights, and the Men's Rights Agency (MRA) newly formed to 'support the essential roles fathers have in their children's lives' (www.mensrights.com.au/about-us/). Such groups consolidated their critique of family law on the basis of three central, foundational myths: women fabricate claims of violence to gain tactical advantage in settlements, especially through the use of restraining orders; rates of domestic violence are exaggerated and men experience domestic violence as often as women (if not more frequently); and 'the whole system is stacked against husbands' (Melville and Hunter 2001, 124–138). Still, Arndt's self-appointed role as champion of men's rights reflected her observations that in Australia 'the men's movement consistently fails to galvanise men into action' (Arndt 1996, 1). The politically active, vociferous men's rights lobby only ever constituted a tiny minority of men, even among those sympathetic to a 'movement' in Australia. Given the commercial success of Biddulph's call to arms, *Manhood*, Arndt was bemused and disappointed by the absence of male leaders and a movement for 'political action' among mainstream Australian men. She blamed Biddulph's rejection of the male capitalist corporate ethic, his 'socks and sandals' look and 'growing counter cultural tendencies' (Arndt 2000, 5). To Arndt's frustration, the male revolution she advocated of *political* reaction against feminism had failed to emerge from 'the growing numbers of men's groups around the country [where] most of the activity is focused inward, on grass-roots self-help work and consciousness raising' with 'few signs of effective action on to lobby and influence policy' (Arndt 1996, 1). Arndt would continue to represent the men who could not represent themselves. Soon she and the men's rights agenda would experience a more sympathetic government response.

The Howard Government and the 'Revenge of the Mainstream'

On 2 March 1996, the Howard coalition government was elected on a platform promoting the privatisation of government assets and utilities and 'governing for the

mainstream', which, among other agendas, meant the elimination of feminist influence and gender analysis within government and the dismantling of departments with equal opportunity expertise—a concerted anti-feminist programme that drove Anne Summers to warn of the 'End of Equality' (Summers 2003). While the femocrat endeavour has rightly been lauded both locally and internationally, it arguably endangered Australian feminism by contributing to a demise in activist and academic feminism at a time when Western leftists in general tended to forsake analysis of the liberal state and capitalism as sites of domination, focusing instead on their capacities for the redistribution of equity, power and social goods (Brown 1995, 18). Wendy Brown observes that critical theory such as feminism turned its 'gaze away from the state' precisely at the moment when a distinctly postmodern form of state domination was being consolidated: when 'expansion and extension of state power transpired not through centralisation but through deregulation and privatisation through localising and "contracting out" its activities' (1995, 18). Hence, under Howard, feminist political concerns were able to be 'mainstreamed away' with the argument that in the absence of a visible women's movement critical of the state, feminism was redundant.

Arndt found a more sympathetic environment as her men's rights agenda coalesced with the 'post-feminist' rhetoric of Howard and his government's ideologies of cost-cutting, privatisation, deregulation, self-reliance and family values. In particular, the 'social engineering' ideal of the Whitlam model of government, including the Court and its counselling services, was anathema to the neoliberal conservatism of Howard. Prior to the election Howard promised cuts of \$6 million to the Court, while the conservative Christian parliamentary cabal, the Lyons Forum, proposed a policy of abandoning no-fault divorce (Farouque 1996, 9). After the election, Attorney General Daryl Williams advocated primary dispute resolution, without a judicial hearing, for Court settlements and proposed a significant downgrade of the non-judicial functions of the Court including transferring its mediation and counselling services to the private sector (Conry 1997, 6). By early 1998 the Court was routinely portrayed in the media as 'not coping' (*The Age* 1998, 12), with reports made of couples waiting up to twelve months for dispute settlements, which Nicholson blamed on funding cuts to the Court and Legal Aid, meaning people representing themselves had 'blown out the waiting lists and worsened delays' (Milburn 1998a, 13).

After one term of the Howard government the paradox of the vocal, strategic 'injured' conservative male who is *most effective at times of conservative rule* was apparent. By Howard's second term, such men were thoroughly organised. On 3 October 1998 the coalition was returned to government in an election that Marian Sawer characterised as being intruded on by 'the politics of angry white men' directed at the Court, encouraged by the rise of Pauline Hanson's One Nation party (1999, 1). Hanson posed a significant threat to the Coalition by vying for votes of conservative men, including by declaring the 'white Anglo Saxon male' to be the most downtrodden person in the country (Sawer 2000, 149–158). She also declared war on single mothers and the child support system. In a farcical election campaign, the president of Parents Without Rights changed his name by deed poll to 'Nevil Abolish Child Support and Family Court Party' to enable himself to nominate for election under that name and gain free political advertising on ballot papers. The 'party', with its letterhead 'adorned with images of bombs' garnered 13,386 votes in the Senate (Sawer 1999, 2). In Howard's seat of Bennelong, 'Prime Minister John Piss the Family Court and Legal Aid' ran, while 'Bruce The Family Court Refuses My Daughter's Right to Know Her Father' was a Queensland Senate candidate. Advised by Barry Williams,

president of the LFAA, One Nation pledged to 'abolish' family law and the Court, and create a 'people's tribunal' where lawyers would be banned and families would be advised by 'mainstream Australians' about disputes (Milburn 1998b, 13). One Nation gained 8.4% of the national lower house vote in 1998, when almost twice as many men as women voted for the party (Sawer 2000, 150).

Reflecting its focus on 'bedrock institutions', in 1999 the government launched its National Family Strategy, aimed at 'preventing family breakdown by developing effective early interventions' including 'relationship education and parenting training' and reforming tax and childcare policies (Saunders 1999, 4). It also pledged an additional \$10.5 million to 'substantially extend support services for men in family relationships' (Andrews 1999, 25). In the 1999–2000 budget \$27.9 million, including funding transferred from the Federal and Family Courts, was made available to establish the Federal Magistrates Service to perform many of the functions of the Family Court including hearing certain disputes involving property, and in relation to children, to hear contact, maintenance and specific issues applications (Harrison 1999, 53). By this stage, Bettina Arndt had been welcomed aboard the government's agenda and appointed to the new Family Law Pathways Advisory Group (FLPAG), 'a high powered group' appointed by Daryl Williams to provide 'high level advice' to the government on how to reform the family law system (Bevilacqua 2000, 7). On receiving the group's report in 2001, Williams said the FLPAG indicated that family law neglected fathers and that men felt particularly 'angry and frustrated' in the belief that 'the system [was] biased against them' (FLPAG 2001, 9). Key recommendations such as 'equality of access to the family law system' and heightened counselling were framed in terms of men. The group also acknowledged that women may be 'vulnerable' because of their cultural backgrounds and/or lack of access to financial resources, as well as 'stereotypical roles and power imbalances or violence within relationships' (FLPAG 2001, ES5). It made 28 recommendations aimed at 'ensuring families could resolve their problems more effectively' in a family law system that was currently perceived as 'too adversarial' (Monk 2001, 2). Litigation was recommended to 'be the course of last resort' once 'self-help' and 'support pathways' were exhausted (Harrison 2007, 30). It was the FLPAG report *Out of the Maze* that first suggested the influential notion of a 'one-stop shop' to provide families with initial information and help providers and families jointly assess options before referral to the Court.

Arndt's work on the FLPAG consolidated her formal relationship with the Howard government. She was appointed to a number of government advisory bodies at this time, including the National Advisory Committee on Ageing, the Child Support Review Reference Group and the Assisted Reproductive Technologies Review Committee, which then Shadow Health spokesperson Julia Gillard described as stacked 'with conservative cronies' (Wroe 2005). In early 2001 rumours arose that Arndt was being considered for the position of the federal Sex Discrimination Commissioner, which Arndt deflected by stating that 'it is a job that actually requires a good understanding of the law and I'm certainly not a lawyer'. However, she claimed that

there are other ways where I think it would be quite interesting to have someone like me in the position because I would have a lot of criticisms of some of the previous people who have held that position because of their failure to look genuinely at issues of gender discrimination, not just discrimination against women. I think there's been a real problem with that. And there's a long, rather sad history of

cases where men have been discriminated against that their appeals to the Sex Discrimination Commissioner have gone largely unheard unfortunately. (*ABC Radio* 2001)

The five-year appointment went to Pru Goward.

The Rebuttable Presumption of Shared Parental Responsibility

As the final stage of review for the Coalition's transformation of family law, in June 2003 Howard announced the establishment of an inquiry into family law and the Child Support Agency as requested by government backbenchers who had established a 'child access' committee which, according to Arndt, had been 'consistently lobbying the Prime Minister at party meetings' (Arndt 2003, 13). Two 'major coalitions' of men's rights lobbies consolidated themselves in 2002 and 2003 when, it was reported, key activists such as Barry Williams 'had contact with powerful political figures of the kind only dreamed about by women's groups' (Flood 2010, 342). The inquiry was referred to the House Standing Committee on Family and Community Affairs, chaired by National Party Whip Kay Hull. It was charged, essentially, with examining the prospects for 'joint custody' as had been agitated for by Arndt and the men's rights lobby since it became apparent that the 1995 reforms had not delivered significant changes in children's living arrangements. Nicholson criticised the committee's leadership by back-benchers unaffiliated with the Constitutional and Legal Affairs Committee (the usual committee for matters of law), which allowed it to circumvent the legal expertise of the Office of the Attorney General (Nicholson 2004). Indeed, Arndt had forewarned that most family law experts were 'likely to line up against' recommending a 'joint custody' rule (Arndt 2003, 13).

The Hull committee received 1700 submissions, including a large number expressing 'considerable dissatisfaction with the legal process' (House Standing Committee on Family and Community Affairs 2003, 4). There were numerous submissions from women's refuges, domestic violence services, and women's legal services, though these voices were noted by Nicholson to be comparatively muted (Nicholson 2004). Women's groups and NGOs had suffered disproportionately from funding cuts and restrictions imposed by the Howard government (Sawer 2002, 39–48). While the Hull committee ultimately rejected a notion of 'joint custody' its first recommendation was that the *Family Law Act 1975* be amended to 'create a clear presumption, that can be rebutted, in favour of *equal shared parental responsibility*, as the first tier in post separation decision making' (House Standing Committee on Family and Community Affairs 2003, xxi; italics mine). This would make clearer the 1995 intention that children have the 'right of contact with both parents' (House Standing Committee on Family and Community Affairs 2003, 4). However, the committee made an exception based on concerns for women and children who were victims of domestic violence and child abuse. Its second recommendation was that the Act be amended to create a 'clear presumption *against* shared parental responsibility with respect to cases where there is entrenched conflict, family violence, substance abuse or established child abuse, including sexual abuse' (House Standing Committee on Family and Community Affairs 2003, 41; italics mine). Of equal significance were the recommendations aimed at diminishing the roles of lawyers, judges and the Court in family law. One recommendation was that the government establish a national Families Tribunal to be

used as a first attempt to conciliate disputes, so that the courts would be limited to cases involving 'entrenched conflict, family violence, substance abuse and child abuse including sexual abuse', and the enforcement of unresolved orders (House Standing Committee on Family and Community Affairs 2003, 104–6). The Committee also recommended the establishment of a shop-front single entry point into the family law system to provide information about 'shared parenting', the impact of conflict on children and dispute resolution options, as first raised by the FLPAG (House Standing Committee on Family and Community Affairs 2003, xxiv).

The Family Law Amendment (Shared Parental Responsibility) Act 2006

In the lead-up to the 2004 election characterised by an unprecedented posturing of conservative religious lobbies, Howard announced he would pursue a 'major change to the family law system' (Australian Government 2004, 19). On the advice of law professor Patrick Parkinson, Howard rejected Hull's recommendation of a tribunal, instead pledging an initial \$15 million to establish 65 new Family Relationship Centres to 'provide information, advice and dispute resolution to help parents reach agreement' and to enable couples to access Family Dispute Resolution (FDR) at a 'much earlier stage in their separation, before conflict has escalated and disputes have become entrenched' (Australian Government 2004, 20). Although Hull had recommended that such services be provided by the state, the government pursued its privatisation agenda and modelled them on the privatised Job Networks Offices (Koutsoukis 2004, 4). Howard also pledged to 'make equal shared parental responsibility *the starting point*' of the Act, except in cases 'involving violence, child abuse and entrenched conflict' (Australian Government 2004, 21; italics mine). Feminist lawyers warned that both initiatives might disadvantage women, resulting in 'more and more women, in circumstances of real vulnerability, negotiating on their own behalf in compulsory mediation contexts' (Field 2006, 29). While possibly 'empowering' for some individuals, compulsory mediation without the representation of lawyers might undermine 'efforts to expose the relevance of power differentials between men and women' (Astor, quoted in Field 2006, 49) and might even 'empower only the already empowered husband', especially when women post-separation live in 'feminised poverty' and when much domestic violence and intimidation is denied by women (Bryan, quoted in Field 2006, 49).

The 2004 announcement was interpreted in the media as signalling the government's opting for a cheaper alternative to the Tribunal recommended by Hull (Horin 2004, 23), and an attempt to 'repair the hole' created when Howard cut funding to the Court's in-house mediation service in the 1996–1997 budget (Coleman and Milligan 2004, 4). Although the reforms were widely understood as a response to the men's rights lobby, groups such as the MRA and the LFAA were dissatisfied that 'joint custody' had not been mandated, and reported that fathers would be 'no better off' because the rebuttable presumption of shared parental responsibility simply reiterated the premise of the *Family Law Reform Act 1995* (ABC Radio 2004). The guiding principle of 'joint custody' had failed to be attained, suggesting the government had performed a degree of 'dog-whistling' to court a conservative male constituency that was probably never going to see its demands fully met.

While Arndt conceded the reforms meant that the 'fight for joint custody is dead in the water', she commended the rejection of a tribunal involving psychologists and counsellors whom she depicted as prejudiced against men (Arndt 2004, 15). Offering tacit support for Relationship Centres, Arndt warned that the most worrying aspect of the reforms was that they allowed women to 'play the violence card. ... It's simply not good enough that women can use unproven allegations of violence as a means of avoiding mediation and using the courts to deny children contact with their fathers' (quoted in Horin 2004, 3). But ultimately, Arndt praised the proposed regime as 'different from what used to be offered by the Family Court, which was rarely child focused and often distinctly biased against men' (Arndt 2005, 95). In 2005 Arndt was made a member of the government's Child Support Task Force, formed to review child support in light of heightened emphasis on shared parental responsibility in family law. The Task Force recommended that the Child Support formula be amended to reflect 'the principle of shared parental responsibility for the costs of children' (Ministerial Taskforce on Child Support 2005, 17). Associated reforms were passed in 2005.

In 2006, the *Family Law Amendment (Shared Parental Responsibility) Act 2006* was passed, described by Attorney General Philip Ruddock as 'the most significant reforms to the family law system in 30 years' (Ruddock 2005, 11). Ruddock characterised both the law and the introduction of FDR as advancing the government's 'longstanding policy of encouraging people to take responsibility for resolving disputes themselves in a non-adversarial manner' (*Family Law Amendment [Shared Parental Responsibility] Bill 2006*). Significantly, the 2006 law changed the definition of domestic violence in settlements regarding children's living arrangements, to place the onus on the individuals fearing violence to demonstrate that they reasonably feared for their personal well-being or safety, thereby looking to 'fears for the future while discounting or even ignoring the past existence of violence' (Rathus, quoted in Winter 2007, 37). In 2009, the Australian Institute of Family Studies evaluated the 2006 reforms to find that there had been a decline in filings in the Court in cases concerning children's living arrangements, and 'some evidence' of a shift away from automatic recourse to legal solutions post separation. However, families experiencing violence, mental health and substance abuse problems remained in need of the courts and a key challenge faced by the new regime remained determining for which vulnerable families FDR may be helpful and for which it is not appropriate. The evaluation also found that many parents still did not understand the concept of shared parental responsibility as promoted by the regime, confusing it with the idea of 'shared parenting' (AIFS 2009). In 2012, the Gillard Labor Government once again addressed the issue of domestic violence in family law, by passing the *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011* to elevate violence to the foremost consideration in the 'best interests of the child' checklist, for the first time, thus further reflecting the UN Convention on the Rights of the Child. The ideal of shared parental responsibility was retained in the law.

In 2007, Arndt was again overlooked by Howard for the role of Sex Discrimination Commissioner, this time apparently in response to her true-to-form libertarian support for a convicted paedophile and Scout Master, an otherwise 'good bloke' in her view (Gleeson 2007). Following this, and the fall of the Howard government in 2007, Arndt turned her attentions to writing about the sex lives of married couples, while fashioning a new career as an internet dating coach. Arndt has since had little to say about government policies, not even the 2012 changes to Family Law. Divorced herself in 2007, Arndt concluded that

'I think the whole divorce thing is very hard ... But I mean, who am I to tell women they should stay in an unhappy marriage?' (quoted in Cadzow 2010). Instead she continues to tell women that 'sex should be on the list of wifely duties' (Arndt 2009a, 9) and promote the 'injuries' of men supposedly starved of sex in marriage (Arndt 2009b, 2010a). It remains to be seen who will champion men's rights in the arena of family law under the latest conservative and sympathetic regime of Tony Abbott.

Conclusion

My aim in this analysis was to shed light on the complexities of Bettina Arndt's position relative to American and Australian feminist traditions, the related politics of backlash and associated men's rights agendas in each nation, and to document the paradoxical effects of men's identities as injured at times of conservative rule. In regard to Arndt, her views on Australian men are clearly coloured by the American experience. In her 2010 book, *What Men Want in Bed*, Arndt (2010a, 2–5) depicts Australian men having been left 'reeling and silenced' by the American pornography wars. But true to her libertarian heritage Arndt (2010a, 4) criticises the 'socks and sandals' version of the men's movement, and laments the passing of the golden age of authors such as Norman Mailer and Henry Miller who celebrated the 'aggressive virility' of men. In regard to the men's rights lobbies in Australia, I trust my documentation of the effect of their campaign on the family court system has demonstrated the use of politicised identities by conservative governments to justify profound reform agendas. That the climax of the campaign (the *Family Law Amendment [Shared Parental Responsibility] Act 2006*) failed to deliver the 'holy grail' of 'joint custody' would come as no surprise to any legal or political expert. The political value in injured identities flows both ways, and was undoubtedly courted and exploited under Howard to significantly undermine feminist gains in the area of family law, and perform a neoliberal fiscal and ideological assault on the Family Court. At this point, it is worth recalling the other primary ideological assault of Howard's underway at this time. For, as Wendy Brown suggests, in making sense of contemporary regimes it pays to ask, 'When do certain political solutions actually codify and entrench existing social relations, when do they mask such relations, and when do they directly contest or transform them?' (1995, 12). At the time of the transformation of family law to reflect the new legal principle of the 'rebuttable presumption of shared care' the Howard government also had plans underway to transform beyond recognition the century-old Australian industrial relations system, including provisions for award setting, union right of entry and enterprise bargaining under the 2005 *Workchoices* policy (Woodward 2010). When asking 'what social relations might political solutions mask?', the *fundamental restructure of labour* is a key element to the answer in the context of the later Howard years. To recall, a primary emphasis in Brown's *States of Injury* is the increased fragmentation of contemporary forms of association, including not least of all organised labour. It is this fragmentation (more than, say, feminism) which serves to constitute in contemporary man 'an incitement to *ressentiment* that might have stunned even the finest philosopher of its occasions and logics' (Brown 1995, 69). Hence, while the men's rights identity of injury undoubtedly has the greatest capacity for influence at times of conservative rule, in the case of the Howard government there was great capital to be gained from encouraging such men to identify as powerless and victimised foremost by feminism.

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Kate Gleeson is a lecturer in law at Macquarie University with an enduring interest in conservative politics.