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# NEW MALE STUDIES – AN INTERNATIONAL JOURNAL

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### PREFACE

Volume seven, issue two of *New Male Studies - An International Journal* publishes articles on a variety of topics that enrich our understanding of maleness, of boys' and men's embodied experience.

The three refereed articles in this issue examine discrete inhibitors of male affirmation. Stephen K. Baskerville's *The politics of family dissolution* describes the “political pressure and ideological manipulation” that adversely impacts fatherhood and occasions the fragmentation of the family. As his article's title indicates, Steve Moxon argues in *'Misogyny' has no scientific basis of any kind: the evidence is of philogyny* that, “misogyny and sexism have become defined circularly and are, therefore, entirely non-scientific notions in being unfalsifiable.” He speculates, furthermore, that *misogyny* “should be investigated as an expression of misandry.” Peter Wright examines the historical bifurcation of chivalry into “military chivalry and romantic chivalry” in his essay, *Bastardized chivalry: From concern for weakness to sexual exploitation*. Adding to his already significant contribution to the male-positive study of chivalry, this work concludes that “romantic chivalry is a sexist convention” and speculates “whether it's time to de-genderise its principles of operation.”

Philip W. Cook has kindly agreed to share some of his research on “adult male rape by adult females.” His article, *The new definition of rape: When women assault men*, examines “the relatively new federal definition of rape” and its “implication” for “change in the legal field and in society at large.” Paul Nathanson's *Sowing the wind, reaping the whirlwind: Identity politics, ideology and the contagion of hatred* is occasioned by the 27 October 2018, killing of eleven worshippers at a synagogue in Pittsburgh; the essay examines this horrific event in the context of recent open expressions of hatred in our culture. The essay argues that, “... all forms of

hatred—including the identity harassment adopted by ideological feminists who have undermined the collective identity of all men“feed on each other.” Gerard Nicol’s second contribution to **New Male Studies** argues that “when all you have is a feminist hammer, everything looks like a nail.” In other words, ideological feminism is oblivious to the harm it causes vulnerable males. The issue once again concludes with a photographic essay by Jan Andersen.

The opinions expressed by the authors herein do not necessarily reflect those of the Editorial Team. The papers published here are offered in a spirit of open, evidence-based dialogue regarding gender, relationships and issues related to male experience. The Editorial Team thanks the article reviewers for generously contributing their time and their insights.



Professor Dennis Gouws

*Editor in Chief*

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## THE POLITICS OF FAMILY DISSOLUTION<sup>1</sup>

*Stephen K Baskerville*



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### ABSTRACT

*Questions of divorce and child custody, along with connected issues like domestic violence, child abuse, and child support, have been characterized by clichés and misconceptions and by misleading and inaccurate information. This is attributable to failure to understand the politics behind these phenomena. All have been subject to political pressure and ideological manipulation, though this has been accompanied by almost no analysis, investigation, or explication by students of politics. Yet these matters have far-reaching consequences for the social order, including the political order, constitutional rights, and civil liberties. Almost no discussion has been held on the adverse consequences or the possible policy options appropriate to address them, though the measures available to rectify adverse impact on civil society are relatively straightforward.*

**Keywords:** divorce, child custody, fatherhood, domestic violence, child abuse, child support

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<sup>1</sup> This essay was originally presented at a Roundtable and Symposium on Family Dynamics, held at the Parliament of Canada, Ottawa, on 7-8 May 2011, sponsored by Senator Anne Cools.

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Horror stories about the family now saturate the media. Clichés about ‘nasty divorce’ and ‘ugly custody battle’ have become daily fare. Yet while voyeuristic ‘he said / she said’ accounts may transform our media into purveyors of real life soap opera, they seldom inform us accurately.

Family breakdown, divorce, and separation involving children entail consequences much more far-reaching than the public has been led to believe. Beyond disrupting and even destroying millions of lives, they also undermine our social order, our economic prosperity, law enforcement and criminal justice, even our civil liberties and constitutional government.

Loosening bonds between parents and their children and increasing government control over children has reached critical proportions. It is little exaggeration to say that children have become commodities and weapons that are fought over, traded, bought, sold, stolen, and even killed. Custody battles, fatherless children, child abuse, parental kidnappings, swelling foster care rolls, adoption markets, truancy, violent crime, substance abuse, psychotropic drug use, escalating medical costs, sex trafficking, child soldiers—all these are connected, directly or indirectly, to family dissolution.

Yet the family crisis is usually treated apolitically, largely as the domain of the therapeutic professions of psychology, psychiatry, social work, and sociology (Smith, 2010). Legal scholars do examine the role of the state and legal system, but usually within a legal framework whose assumptions are not questioned, with little consideration of how it became established, what political interests were involved in creating it, the impact it has on family dynamics, and its larger implications for our constitutional order.

Yet politics are central to the family crisis. In his great work, *Family and Civilization* (2008), Harvard sociologist Carle Zimmerman depicted the modern family and state as locked in a titanic struggle, in which one’s strength is the other’s weakness. In Zimmerman’s account, the declining family and expanding state over centuries constituted a phenomenon of civilizational dimensions.

Throughout the Western world and beyond, growing government intervention into family life and the separation of children from parents by government authority is a trend that many view with alarm (Hewlett & West, 1998; Mack, 1997). How the state involves itself

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in private family life, how it assumes control over children and distributes them among parents and other parties—these are matters with far-reaching implications not only for family policy but for freedom (Morse, 2006).

Yet current practice is the product of policies implemented gradually over decades with virtually no public debate or input.

Until recently, free societies handled these matters with a principle that, while it might be violated, was never renounced: Parents are responsible for, control, and speak for their minor children. This guarantee for parental authority ensured the integrity of the family separate from the state and prevented children from being manipulated for political purposes. “No known society treats the question of who may properly call a child his or her own as simply...a matter to be decided entirely politically as one might distribute land or wealth,” writes Susan Shell (2004).

*No known government, however brutal or tyrannical, has ever denied, in fact or principle, the fundamental claim of parents to their children.... A government that distributed children randomly...could not be other than tyrannical. Even if it had the best interest of society in mind...a government that paid no regard to the claims of biological parenthood would be unacceptable to all but the most fanatical of egalitarian or communitarian zealots.*

Regarding the facts, Shell could not be more mistaken. What she regards as a dystopian nightmare into which ‘no known government’ has ever ventured has today become the routine practice of governments throughout the Western democracies. They are demonstrating that she could not be more correct about the consequences.

The tyranny Shell predicts is now the reality for many people, and it proceeds precisely from this breakdown of not just the authority but the rights of parents, a process directly attributable to the growing power of the state (Baskerville, 2007).

Parenthood has never been adequately examined by students of politics. Yet it is politically unique. It is the one relationship where some may legally exercise coercive authority over others. It is the one accepted exception to government’s monopoly of force, which is why governments often try to undermine it and why state officials—social workers, family court judges, divorce lawyers, forensic psychotherapists, public school

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administrators—seek to prohibit or curtail activities by which parents instruct, protect, and provide for their own children without dependence on the state. Without parental authority, government’s reach is total (Donnelly, 2011).

This role of parental authority in preserving freedom can only be secured by the bonds of marriage (Morse, 2006; Sugrue, 2006). Politically, marriage is by its nature paradoxical in a way that is critical to our current dilemma. Marriage must be recognized by the state, but precisely because it creates a sphere of privacy and parental authority from which the state must then withdraw or be excluded. Because no government can be counted upon to exercise this restraint voluntarily, all citizens must constantly demand that it do so. Marriage—protected by a legally enforceable contract—gives citizens the legal authority and the moral high ground from which to do so.

When a child is born within wedlock, it does not occur to most parents to petition the government for permission to keep the child. Only when marital bonds have not been formed or are broken does the state claim sovereign authority over the child. Moreover, this is not a gender-neutral matter: Biology dictates that marriage is critical for defining fatherhood much more than motherhood (Amneus, 1999).

### **WHAT PRECISELY IS ‘CUSTODY’?**

Today we speak matter-of-factly about ‘winning custody’ and ‘losing custody’ as if it were a game. Yet ‘custody’ is a euphemism disguising serious government measures. Were we instead to speak of ‘the government taking away your children,’ it would more accurately convey what is taking place.

An award of ‘custody’ is a government intervention into private family life and the parent-child relationship. ‘Winning’ or ‘losing’ custody actually means the government assuming control over one’s children. Some suggest that, because parents naturally control their children from birth, the government does not grant custody but only takes it away. In any case, a custody order is a government decree granting, not the right to parent one’s children, but the power to prohibit someone else from parenting his or her children. It removes from parents the care, control, and companionship of their children and, and it marshals the penal apparatus to prevent them from acting as parents. Custody is only

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marginally about children, therefore; it also confers formidable power on grown-ups.

‘Custody’ means the power to criminalize the association between parent and child. One would expect that such an awesome power could be exerted only against parents who had been demonstrated to be unfit or committed some legal offense. Yet this is not the case.

Today, parents who have committed no legal infraction can be and are arrested simply for associating with their own children. Few people to whom it has not happened realize how easily and frequently children are taken from their parents with no grounds or even allegations of wrongdoing. The forcible separation of children from their parents for reasons that have nothing to do with the children’s wishes, safety, health, or welfare is now routine. While it has a number of mechanisms, the most common, and often the starting point for the others, is the system of involuntary divorce. As family law now operates, one parent can have the other summoned to court and, without presenting any evidence of legal wrongdoing, request that he be summarily stripped of all rights over his children, evicted from his home, and prohibited from contact with his children, and in almost every case the judge will grant the request automatically, with no questions asked. It is not necessary that the parent be found unfit, that he or she commits a crime or violates the marital agreement, or that the parent even agree to a divorce or separation (Hubin, 1999, 136).

In principle, we as a society have long believed and public policy has for centuries been devised on the assumption that authority over children resides and should reside with their parents, unless the parents have done something to forfeit it. (Haffen, 1976). Yet with ‘no-fault’ divorce, that power was transferred to state officials. This government takeover of the family has long been considered justified when both parents agree to divorce or when one violates the marriage contract and incurs the legal consequences for doing so. The innovation introduced by no-fault divorce is that the government can now intervene into the family, assume control over the children, and sever the relationship between the children and one or both legally unimpeachable parents, not by the mutual agreement of both parents but at the mere request of one.

The euphemisms of modern divorce have disguised the erosion of fundamental rights and responsibilities over private life. We are told a marriage has ‘broken down’ or that the

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parents ‘can’t agree.’ Therefore, government officials *must* step in and assume control over the children and family.

But these assumptions are open to a number of challenges. We do not normally call in government officials to settle private disagreements with criminal penalties. Government agents are not necessarily disinterested parties. They have a tangible interest in intervening, for it rationalizes a major extension of state power. Through children, the modern state once again achieves its most coveted ambition: to assume control over the private lives of its citizens.

Through ‘no-fault’ divorce, one parent can now declare unilaterally that the parents ‘disagree’ and thereby petition government officials to move in and summarily remove the other parent without that parent having done anything legally wrong. But if disagreement is sufficient grounds for the government to eliminate one parent, then the most effective method for the parent who seeks to have the other eliminated is to be as disagreeable as possible. The government can then reward the aggressive parent by establishing him or her as a puppet government, a kind of government satrap within the family.

In the ensuing custody ‘trial,’ the parent targeted for removal is usually labeled the *defendant*, and it does have the quality of a prosecution. Yet because that parent is seldom charged with any recognized legal infraction, he will find it impossible to defend himself. If allegations of abuse are made, he will not be formally charged but simply be kept from his children. The case against him will be built not on evidence of any legal transgression but entirely on how he conducts his private life. “The authorities will act quickly to *protect* your children from you,” writes Jed Abraham (1999, 6). “They’ll curtail your visitation during their investigation; you’ll be restricted to being with your children only in the presence of a supervisor, and you’ll be ordered to pay the supervisor’s fees.”

For the rest of the children’s childhood they and the “non-custodial parent” (a term some consider an oxymoron) will live under constant government surveillance and supervision. The parent will be told when he may see his children, what he may do with them, and where he may take them. His access to their school or medical records will be controlled, and decisions regarding their health and education will be made by others. He

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will be told what religious services he may (or must) attend with them and what subjects he may discuss with them in private. Officials and even private persons will confiscate what they please from his earnings claiming (with no proof required) that it will be used for the good of his children, and the burden of proof (and financial burden) will be on the parent who wants his property returned. He can be ordered to work certain hours and at certain jobs, the earnings from which will be confiscated. The times and places he is authorized to associate with his children may conflict with his employment or other obligations, but each time he wants the arrangements changed he must petition the government and pay more lawyers. If he loses his job or falls ill he will be declared a felon without trial and subject to incarceration. He can be jailed for failure to earn sufficient income. His visits with his children can be monitored and supervised by officials, for which he will pay a fee. His financial records will be seized and examined and his bank account subject to confiscation. Anything he says to his family members or anyone, even in private, can be used in court. He can be ordered to sell his house and turn the proceeds over to attorneys and others he has not hired. His own children can be used as informers against him (Baskerville, 2007).

The children themselves effectively become wards of the court. They can be placed in daycare or other institutions without his consent, and he can be ordered to pay for it—above what is already demanded for their maintenance. If they react adversely or object to the separation from their parent, they can be administered psychotropic drugs, committed to a psychiatric facility, placed in foster care, turned over to the custody of social workers, or incarcerated in a juvenile detention facility—all without his knowledge or consent. “You’ll watch them from afar as they grow up with the kinds of psycho-social problems that children who live with their fathers rarely have,” writes Abraham (1999, 138). “You’ll watch from afar, and you won’t be able to do anything about it.”

In the jargon of family law, faithfully echoed by the media and academia, this parent has “lost custody,” a seemingly harmless and mundane formulation of events. But this jargon disguises far-reaching implications. In plain English, this parent’s unauthorized association with his own children is now a crime. Proceeding from this, his failure to follow other government orders controlling his movements, finances, and personal habits—directives that apply to no one but him—is also grounds for arrest. In effect, the court has legislated a

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personalized criminal code around this parent, subjecting him to criminal punishment for doing what anyone else may do, such as associating with his own children, attending one of their soccer games, or worshipping at the same church.

The astonishing but incontrovertible fact is that with the exception of convicted criminals, no group in our society today has fewer rights than parents. Even accused criminals have the right to due process of law, to know the charges against them, to face their accusers, to a lawyer, to a trial, and to expect knowingly false accusations to be punished. A parent can be deprived of his children, home, savings, future earnings, and privacy, and he can be incarcerated, without any of these constitutional protections. "Criminals, killers, and rapists are presumed not guilty in the absence of evidence to the contrary," observes a grandmother, "but fathers fighting for custody are assumed guilty" (Shared Child Custody Legislation, 2005). Once citizens have children, they forfeit their most essential constitutional rights<sup>2</sup> (Baskerville 2007, ch. 2).

Though outside the immediate scope of this essay, it is also worth noting that these practices and principles entail additional consequences, both personal and social and even political, beyond the civil liberties of individuals. Involuntarily separating children from their parents obviously induces severe emotional and psychological pain for both parents and children that requires little imagination to understand. Moreover, the impact on children especially is of direct interest to the wider society. Even aside from the principle that "an injustice anywhere is a threat to justice everywhere," the adverse effects on children is well established to be a (and even *the*) primary contributor to social instability carrying substantial costs to public finances. Virtually every major social pathology is directly attributable to single-parent homes, including violent crime, substance abuse, truancy, and a continuing intergenerational cycle of unwed motherhood. Fatherlessness far eclipses poverty and race as the leading predictor of criminality and other anti-social behavior (*Father Facts*

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<sup>2</sup> Justice Mary Southin of the British Columbia Court of Appeal: "The legislature...has decreed that fathers have no rights" (Dad "feels like dirt," 2001). Canada's Justice Minister Martin Cauchon stated that, "Parents have responsibilities, they don't have rights" (Rights and Responsibilities, 2003).

6).<sup>3</sup> Further, these are precisely the social ills that make the largest claims on domestic government finance, including budgets for law enforcement and incarceration, education, and health care, as well as additional welfare or “social” services. Finally, increasing government expenditure and jurisdiction naturally enlarges the scope and power of government generally, as has been demonstrated in this policy area in particular (Baskerville, 2008).

### **IS THE PROBLEM GENDER BIAS?**

Because the evicted parent is usually the father, some complain that justice in custody procedures suffers from ‘discrimination,’ ‘gender bias,’ and ‘sexism.’ A very strong bias against fathers is well-established (McNeely, 1998; Tillitski, 1992; Leving, 1997, ch. 2; Seidenberg, 1997, ch. 1). Yet this constitutes a superficial understanding of what is taking place.

Gender discrimination in family law awards is now prohibited in virtually all jurisdictions, and courts have held statutes discriminating in favor of mothers in custody cases to be illegal (*State ex rel. Watts v. Watts*; *Commonwealth ex rel. Spriggs v. Carlson*). No official figures are available on the gender division in custody awards in any jurisdiction in any country, even though it would be a simple statistic to compile, because judicial interests lobby to prevent such figures from being recorded (McNeely, 1998, 952-953).<sup>4</sup> Yet despite formal legal equality between parents, it is generally agreed that some 85-90% of custody awards go to mothers (Kelly, 1994). One survey of the academic literature concludes, “it appears that, over all, mothers obtain sole physical custody ten times more often than fathers” (Miller, 2000, 11 note 17). One study in Arlington, Virginia claimed that over eighteen-months maternal custody was awarded in 100% of decisions (Seidenberg, 1997, ch.

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<sup>3</sup> Attempts to attribute these behaviors to poverty or racial discrimination have been refuted by studies that control for these variables (Bronfenbrenner, 1990, 34; Angel and Angel, 1993, 188).

<sup>4</sup> “Judges and County Clerk Loretta Bowman in the past agreed to not record the gender of litigants, thereby making it impossible to probe and lay to rest charges of judicial gender bias.” Yet the court acknowledged that its computer system “(which tracks hundreds of thousands of domestic, criminal, and civil cases) is capable of recording such detail” (Levy, Gang, and Thompson, 1997).

1).<sup>5</sup>

This imbalance is often attributed to prejudice. “I ain't never seen a calf following a bull,” declares a Georgia superior court judge. “They always follow the cow. So I always give custody to the mamas” (Amneus, 1999, 4). Many uninitiated many people see nothing wrong with this imbalance, on the principle that mothers are natural caregivers for young children. “Children should be with their mother,” declares another judge, a view with which many may be inclined to agree, until they learn that the mother allowed the child to contract a sexually transmitted disease (Sillars, 1998).<sup>6</sup> “We see bizarre cases where abusive and violent mothers are given child custody,” writes attorney Peter Jensen (2002). “One sees fathers kept from the bedsides of dying children because their presence might upset the mother.”

As these cases indicate, bias against fathers goes well beyond the rationale of, ‘all else being equal,’ young children belong with their mothers. Automatic mother custody applies largely regardless of the mother’s behavior. “Washing their hands of judgements about conduct...the courts assume that all children should normally live with their mothers, regardless of how the women have behaved,” observes Melanie Phillips (1999, 275). “Yet if a mother has gone off to live with another man, does that not indicate a measure of irresponsibility or instability, not least because by breaking up the family and maybe moving hundreds of miles away from her children’s father she is acting against their best interests?”

Fathers almost universally report being insulted and harangued with the *obiter dicta* of judges as if they were naughty boys. “Your job is not to become concerned about the constitutional rights of the man that you’re violating,” New Jersey judge Richard Russell told

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<sup>5</sup> The assertion that fathers are awarded custody when they contest it and that courts are biased against mothers has been refuted in Parke and Brott (1999, 178f).

<sup>6</sup> Little hard evidence indicates that children thrive better with mothers than with fathers following divorce, and some to the contrary. “Across a variety of assessments of psychological well-being (self-esteem, anxiety, depression, problem behaviors), children (especially boys) did significantly better in the custody of their fathers” (Clarke-Stewart, 1996, 239). This is not the important issue, however, and this finding does not necessarily justify removing children from mothers (even in their “best interest”) who have committed no legal infraction.

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his colleagues at a judges' training seminar. "Throw him out on the street. ... We don't have to worry about the rights" (Judicial Training, 1995, 14).

Gender bias alone cannot account for judges' consistent refusal to protect father's parental rights. Many people can probably understand some discrimination against fathers when divorces are agreed mutually. What is happening today is very different. It is one thing to recognize that young children need their mother; it is another altogether to say she needs the power to arbitrarily keep away their father. Yet current judicial practice allows precisely that. "No matter how faithless," writes Bryce Christensen (2001, 65), "a wife who files for divorce can count on the state as an ally." Mothers who abduct children and keep them from their legally blameless fathers, even without abuse charges, are routinely given immediate "temporary" custody. In fact this is seldom temporary, since it cannot be changed without a lengthy (and lucrative) court battle. The sooner and the longer she can establish herself as the sole caretaker the more difficult and costly it is to dislodge her. The more she cuts the children off from the father, alienates them from him, levels accusations, delays the proceedings, and obstructs his efforts to see them, the more likely she is to win sole custody (Turkat, 1995).

This apparently peculiar behavior by courts is simply a new and perhaps predictable variation on an old theme. Charles Dickens famously observed in *Bleak House* that "the one great principle of the...law is to make business for itself," and it is a well-attested principle of legal politics that courts reward belligerence because it creates business for themselves and their cronies. "*Boni judicis est ampliare jurisdictionem*," wrote Walter Bagehot (2001, 144), "or, in English, 'It is the mark of a good judge to augment the fees of his court', his own income, and the income of his subordinates." Family court judges openly attest that their aim is to increase their volume of cases (Baskerville, 2007, ch. 1; Page, 1993). Thus the more belligerence a spouse displays and the more litigation she creates, the more likely the courts will be to reward her in order to encourage others.

Any restraint the other spouse shows is likely to cost him dearly, as most discover too late. On the other hand, reciprocal belligerence and aggressive litigation on his part may carry enough hope of reward to keep him involved. Some counsel fathers that the process is so rigged that their best hope is to imitate the techniques of mothers: If you think she is

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planning to divorce, divorce first. Then conceal, obstruct, delay, and so forth. “If you do not take action, author Robert Seidenberg advises (1997, 92), *your wife will*”. Thus we have the nightmare scenario of a race to the trigger, to adopt the terms of nuclear deterrence replete with the pre-emptive strike. Whoever divorces first survives.

Far from merely exploiting family breakdown after the fact then, divorce law has turned the family into a game of ‘prisoners’ dilemma,’ in which only the most trusting marriage can survive and the slightest marital discord renders *not* absconding with the children perilous and even irrational. Willingly or not, all parents are now prisoners in this game.

For many, the key factor in their acceptance of automatic mother custody is the perception that fathers are initiating or at least acquiescing in the dissolution of marriages. Yet among researchers and family counsellors the truth has long been known to be the opposite. In the largest federally-funded study ever on these issues, Braver has shown that at least two-thirds of divorces are initiated by women, whether measured by official filings or surveys. Moreover, few of these divorces involve grounds, such as desertion, adultery, or violence. Most often the reasons given are ‘growing apart’ or ‘not feeling loved or appreciated’ (Braver, 1998, ch. 7; also Farrell, 2001, 169, 278 note 1).

And the bottom line is the children: After analyzing 21 variables, Brinig and Allen conclude that the parent who anticipates gaining custody is the one most likely to file for divorce (2000, 126-127, 129, 158): “We have found that who gets the children is by far the most important component in deciding who files for divorce.”<sup>7</sup>

The implications are profound. If the same parent who initiates the divorce can expect sole custody of the children—without having to demonstrate any legal fault by the other—what we call ‘divorce’ has in effect become a kind of legalized parental kidnapping (Quinn, 2002, A25; Baskerville, 2007, ch. 1).

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<sup>7</sup> Wallerstein and Blakeslee (1996, 39) found roughly two-thirds of divorces were sought by women “in the face of opposition” from the husband. These proportions are certainly higher when children are involved.

Gender bias alone cannot adequately explain the explosion of divorces that are depriving children of fathers. More important are basic conflicts of interest in the family law system. Though apologists promiscuously invoke both traditional stereotypes about motherhood and modern ideas of women's rights, what drives the custody machinery is money and power. "Speaking as a lawyer, I am unalterably opposed to any change in our divorce act," says one insider (McManus, 2008).

*Our divorce act has greatly increased divorces, crime, bankruptcy and juvenile caseloads. Any change in our no-fault system would be a financial disaster for the bar and for me personally, as these type of cases comprise a majority of my practice.*

And most of this business comes from children. "Fights over control of the children," reports another insider, "are where most of the billable hours in family court are consumed" (Parejko, 2002, 98-99). Courts today effectively offer parents—usually but not necessarily mothers—a tempting package of financial and emotional incentives to file for divorce.

### **PARENTAL RIGHTS OR BEST INTEREST OF THE CHILD'?**

An unresolved dilemma pervades family law. It is not which parent or parents should have custody. It is the more fundamental question of who ultimately controls children, their parents or the state. In other words, how secure is the private sphere of life, and how far into private homes does the state's authority go?

The fundamental right of parents to the care, custody, and companionship of their children, and to raise them without interference by the state, has long been recognized as being virtually 'sacred' by courts throughout the English-speaking world (Hafen, 1976, 615-616). Numerous judicial decisions have held that parenthood is an 'essential' right, that "undeniably warrants deference, and, absent a powerful countervailing interest, protection." Courts have ruled that parenthood "cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions." Parental rights have been characterized by the courts as "inherent, natural right[s], for the protection of which, just as much as for the protection of the rights of the individual to life, liberty, and the pursuit of happiness, our government is formed" (Baskerville, 2007, 77).

The age-old principle stipulating a "realm of family life which the state cannot enter" (*Prince v. Massachusetts*, 1944) is a direct threat to the *raison d'être* of family law as practiced

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today, whose very existence is predicated on precisely the opposite principle that no realm of life is too private for government intervention.

Fundamental to this principle is that parents decide what is best for their children, unless they forfeit that right through some legally recognized misconduct. “For centuries it has been a canon of law that parents speak for their minor children,” wrote Justice Potter Stewart. “So deeply embedded in our traditions is this principle of the law the Constitution itself may compel a state to respect it” (*Parham v. J.R.*, 1979).

Yet today this principle is increasingly ignored in favor of “the best interest of the child” and other criteria which transfer control of children from their parents to governments and abolish parents’ traditional rights to their children. With no public discussion, family law has been quietly shifted to operate on the diametrically opposite principle: that “the child’s best interest is perceived as being independent of the parents, and a court review is held to be necessary to protect the child’s interests” (Williams, 1994, 2).

The implications extend well beyond family law. A very fundamental shift has taken place here in the power of government over private life, without the slightest discussion or even notice. If parents do not have ultimate control over their children (absent some legally recognized wrongdoing by which they forfeit it), they effectively have no private lives, and government becomes total. Parents who resist the government’s assumption of control over their children become criminals, and exercising ordinary parental authority becomes a crime.

While the phrase sounds innocuous, ‘the best interest of the child’ carries far-reaching implications. Most obviously, it is vague and subjective and therefore subject to manipulation and bias. Fathers complain it is a ruse for bias toward automatic mother custody, regardless of her behavior or legal guilt. “When someone mentions the best interests of the child,” writes Al Knight (2001), “it is code for the best interests of the mother.” Courts themselves have held that “what is good for the custodial parent is good for the child” (Braver, Ellman, and Fabricius, 2003, 206).

Yet the most serious implication of the ‘best interest’ standard is that it transfers from parents to the state the power to define it, over the objections of parents who have done nothing to forfeit the right to make the determination themselves. It gives state officials

virtually absolute control over everyone's children to dispose of as they please. "Such a criterion is dangerous because it renders the claims of all parents to their natural children tenuous," writes Robyn Blumner (1999; cp. Kruk, 2005, 122). "Children could be given over to any set of new parents who offer a more advantaged upbringing."<sup>8</sup> The Illinois supreme court has likewise held with respect to adoptions:

*If the best interests of the child are to be the determining factor, persons seeking babies to adopt might profitably frequent grocery stores and snatch babies when the parent is looking the other way. Then, if custody proceedings can be delayed long enough, they can assert that they have a nicer home, a superior education, a better job, or whatever, and the best interests of the child are with the baby snatchers (Leving, 1997, 196).*

"The law, thankfully, is otherwise," the court concludes. Not for divorced parents. The court has succinctly described precisely the principles of divorce court. "One of the factors used to determine 'best interests' is the length of time the child has been separated from the parent who is seeking custody" (Custody Decision-Making, n.d., 14). Or a parent who is simply seeking to recover the custody that has been taken away.

Many accept this practice on the assumption that judges must decide what is best for children when the parents 'cannot agree.' But allowing one parent to surrender *both* parents' rights over their children to government officials because of 'disagreement'—without any infraction by the other (who may disagree only with the removal of his children)—invites collusion between the divorcing parent and state officials.

When officials are empowered to decide the best interest of other people's children, it may become the best interest of the officials. "I represent your kids, but I don't want to," Judge Robert Page declares (Barr, 1998). "Because I don't love your children... It is a legal fiction that the law's best interest is your children."

The *best interest* standard also invites litigation and therefore creates financial

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<sup>8</sup> The American Bar Association ("Protecting the Best Interests of Children," n.d.) favors the term, despite admitting that it is "subjective" and allows courts to separate parents and children at will.

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incentives to remove children from parents. “It provides...hair-trigger litigability,” writes Walter Olson (1991). “Everything comes to be relevant and nothing, as the lawyers say, dispositive. Does your ex swear? Smoke? Gamble? Watch too many soap operas? Perhaps none of these peccadilloes significantly endangers a child, but all can have some effect and you never know what will tip the balance. So it can't hurt to bring them all up.” Having dispensed with objective standards of guilt or innocence, fault becomes entirely subjective, defined in terms of what officials claim to be the impact of adult actions on children they do not know and about whom, as Judge Page confesses, they are unlikely to care.

The ‘best interest’ also transforms courts from dispensers of justice into dispensers of patronage, through the appointment of numerous forensic ‘experts.’ Again, this is a well-established principle of legal politics. “The judge occupies a vital position not only because of his role in the judicial process but also because of his control over lucrative patronage positions.” Jacob demonstrates (1984, 112) that these “are generally passed out to the judge’s political cronies or to persons who can help his private practice.”

In pursuit of the undefined ‘best interest’, the judge may dispense entirely with questions of justice (which in other instances is what courts are for) in favor of questionable child development theories. In practice this means that principles of justice and the constitutional rights of parents are excised from the proceeding in favor of social science theory, perhaps colored by political ideology. “Family lawyers...maintain that justice has no place in their courts” writes Melanie Phillips (1999). “Family court judges thus preside with equanimity over injustice, having turned themselves into a division of the therapy and social work industries.”

Braver calls such expert advice “little more than guesswork.” “There is absolutely no credible evidence that these [methods] are valid predictors of which spouse will make the best primary parent,” he writes. “In fact, there is no evidence that there is a scientifically valid way for a custody evaluator to choose the best primary parent.” Braver diplomatically attributes the resulting one-sidedness of evaluators’ recommendations to “gender bias,” but pecuniary interest may be a more plausible explanation. He quotes a professional custody evaluator that “almost all” his business would be lost under a simple presumption of shared parenting (1997, 221-222).

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To reconcile egalitarian principles with a preponderance of sole mother custody, yet another standard, the ‘primary caregiver,’ has become popular in family court.

Like other legal innovations implemented in the absence of public debate, this raises serious questions. Important, but not necessarily the most serious, is again gender bias. “The ‘primary caretaker’ theory is first, foremost, and always a change-of-name device designed to maximize the number of cases in which the court will be compelled to preserve the bias of maternal preference and award sole custody to mothers,” writes Ronald Henry (1994, 53). “Every definition that has been put forward for this term has systematically counted and recounted the types of tasks mothers most often perform while systematically excluding the ways that fathers most often nurture. No effort is made to hide this bias.” Henry continues:

*The typical definition of the primary caretaker gives credit for shopping but not for earning the money that permits the shopping; for laundering the little league uniform but not for developing the interest in baseball; for vacuuming the floors but not for cutting the grass.*

Yet even could fairer criteria be determined, a more serious implication to the “primary caretaker” doctrine is the assumption that it is legitimate for government officials to look into private homes and approve or disapprove not recognized illegalities but how citizens conduct their personal lives. If officials disapprove of how parents arrange their domestic routine, this doctrine rationalizes removing their children. So parents must provide evidence and witnesses documenting their domestic practices to the satisfaction of government officials, who will apportion the children accordingly. Even assuming it were possible to create a fair standard between mothers and fathers, it is obviously not possible for officials to determine who is the ‘primary caregiver’ of children without a highly intrusive inquisition into what people do in the privacy of their homes. The fact that family courts already conduct such inquiries does not, in itself, justify a legal theory rationalizing such practice.

This is a prescription for government that is highly invasive of private life, presuming unfitness on the part of parents, requiring them to justify how they raise their children in order to keep them, and employing the criminal justice system to implement political ideology within private homes.

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## CONSIDERATIONS FOR REFORM

Immediately upon a divorce filing, standard practice throughout the Western world is to immediately and summarily separate the children from one parent, usually the father. The segregated parent may then see the children only when authorized, and unauthorized association subjects that parent to arrest. The government and the divorcing parent assume no burden to prove that the eliminated parent has committed any legal transgression and are not required to present any evidence. On the contrary, the burden and cost of recovering his children then rests on the sequestered parent.

For reasons given by Shell above, this power needs examination. The power to summarily separate a child from a parent who has committed no legal offense and under no suspicion of unfitness, however 'temporary,' is directly contrary to centuries of practice by free societies. Placing summary criminal penalties on legally unimpeachable citizens solely for unauthorized association with their own children is unprecedented and has never been debated or justified in the Western democracies. As Shell indicates, no free society can require parents to prove why they should be permitted to keep their children. A divorce petition is merely a piece of paper and does not change these facts. If the criminalization of parents' association with their children is the price that must be paid for unrestricted divorce, then a debate is long overdue on what precisely we mean by divorce. Who must bear the burden of proof for deciding when a child can be forcibly separated from a parent for any period of time at all is a subject that has never been debated by scholars, policymakers, or the public, but it clearly requires attention.

Similar questions may be applied to permanent custody arrangements. The circumstances under which officials may sever relationships between parents and their children without a reason involving the proven guilt or unfitness of the parents is a subject that has received no attention from scholars, policymakers, or the media. Yet it is essential to the current crisis of the family.

Spousal separation need not automatically be treated as an unconditional and unquestioned given, to which the abandoned parent, the children, and the rest of society must adjust. Separation from the marital home is a deliberate act that abrogates a legal agreement. People who marry and beget children assume obligations and acquire both rights

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and responsibilities. The action of one spouse in renegeing on his or her contractual obligations eliminates neither the need of children for their other parent nor the rights of that parent. A separating parent with evidence that the other parent has committed some actionable offense can present that evidence in court. In the absence of such evidence, a spouse always has the option of departing from the marriage and home alone.

Recognizing these alternatives is consistent with both long-established precedents for parental rights and the larger principle that legal innocence is sufficient grounds for being left alone by the state—and, in this case, left alone *with one's children*. As a rule governing when children may be taken from their parents, the vague, subjective, and innovative 'best interest of the child' criterion has never been debated or justified against the older and more precise standard, based on decades of constitutional case law, that a child may not be forcibly separated from a parent or have their relationship with their parent interfered with without legally recognized grounds of civil or criminal wrongdoing or, at a minimum, without agreement by that parent to a divorce or separation.

Granting that divorce is a right, it does not follow that that right entails immunity from all its consequences or the power to shift the liabilities and costs onto innocent parties. Neither must the right to divorce necessarily extend to abrogating the right of legally innocent citizens to be left in peace in their own homes with their own children. Still less does it confer the automatic right to marshal the courts, police, and prisons as instruments to punish otherwise innocent parents simply for failure to cooperate with all the proceedings. By contrast, no infringement of liberty is entailed in requiring parents who choose, without recognized grounds, to desert marriages they freely entered or who commit recognized marital faults such as adultery to accept the costs of that decision, including the presumption that they have put their own wishes before the needs of their children and are therefore less immune from the consequences of their actions than a parent who remains faithful to the family. On the contrary, the current practice of allowing that burden to be imposed on legally innocent parties has produced innovative intrusions into private life.

Recognizing this reality means that 'custody' need not necessarily be actively given to anyone but simply passively left to remain with the innocent parent of either gender. "If...the interests of the children are paramount," asks Melanie Phillips (1995, 15), "why shouldn't the

behaviour of the parents be one of the factors...when custody is awarded?" This is consistent with most people's understanding of basic justice, though it could be formulated in even more minimal terms. "There's really not much we can do about people—male or female—who will selfishly turn their spouse and children's lives upside down by ripping apart a family without even offering a coherent reason," observes Tim O'Brien (2001), who argues that we could reduce the consequences, "by simply amending our no-fault divorce law to give the (rebuttable) presumption of custody of any minor children to the defendant [who is legally innocent], regardless of gender." O'Brien elaborates on what must seem unexceptionable to the uninitiated.

*It is, after all, reasonable to presume that 'the best interests of the child' will be better served by remaining with the parent who does not abandon commitments for frivolous reasons and wants to maintain the family. The spouse/parent who still wishes to leave may, of course, do so—with his or her clothes and any other personal belongings. The more dedicated, responsible party should keep the children, home, property, and claim on future child support.*

"The immediate effect of such a change would undoubtedly be a plummeting divorce rate," O'Brien adds. "The difficulties of collecting [child support] in the few remaining cases would be significantly reduced since the only parents who would incur such obligations are those who have voluntarily taken them on in exchange for being released from the marriage contract."

As O'Brien indicates, such reform would obviate the need for most coerced child support. The precise purpose of child support has likewise never been made clear or publicly debated. Most people assume coerced child support is assessed on parents who have abandoned their children or at least agreed voluntarily to live apart from them. No evidence indicates that it was ever intended to subsidize the forced removal of children from innocent parents or to force an innocent parent to "finance the filching of his own children" (Abraham 1999, 151). The precise purpose of 'child support' likewise stands in need of public debate and determination, with enforcement programs that are designed and structured to serve the intended purpose rather than others.

Divorce operatives resist reforms with the refrain that they *may* trap women in *abusive* marriages. If the abuse means physical violence, this is clearly not true, since physical

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violence has long been recognized as legitimate grounds for divorce.

It is true that one likely consequence of any effective reform will be to increase the already exploding number of fabricated spousal and child abuse accusations made during divorce proceedings. One possible remedy, consistent with what has long been regarded as sound legal ethics, is to demand from the criminal justice system a clear distinction between acts that are criminal and matters that are private. A leading authority on child abuse recommends that it be categorically adjudicated as criminal assault—not only to protect children more effectively, but also to ensure that accused parents receive due process protections and those not formally charged can be left in peace with their children until evidence of criminality is presented against them (Orr, 1999). Similarly, adjudicating domestic violence as violent assault like any other, including criminal standards of evidence, would at once protect the victimized, the accused, and the integrity of the justice system. “The criminal prosecution of those family members who are alleged to direct violence toward any other member of the family would be more effective in holding accountable both the perpetrators of violence and those who falsely allege abuse than at present, particularly in those cases where allegations of abuse are dealt with exclusively within the family court arena,” writes Edward Kruk. “The use of family courts as ‘quasi-criminal courts’ that do not have the resources to apply due process when abuse allegations are made,” endangers both civil liberties and families (2005, 136).

Theoretically, new legislation should not be necessary to protect the rights of parents and children. Western democracies invariably provide protections for civil rights and civil liberties—including case law recognizing parental rights—the enforcement of which should be sufficient to protect the rights of citizens to their children, property, and freedom.

The trends described here, however, demonstrate that the bond between parents and their children are not effectively guaranteed. One direct and immediate means of achieving this is by a rebuttable presumption of shared parenting. This would mean statutory provision that parents divide time with, and authority over, their children in roughly equal proportions in the absence of a marriage, as they would do in its presence (Baskerville, 2007, conclusion). Even this, however, may be only partially effective.

Some jurisdictions have been debating statutes or constitutional measures to guarantee parental rights. This could be expanded into an international debate.

If today's democratic constitutions need changes to protect family integrity from pressures that could not have been foreseen only a few generations ago, the most direct and comprehensive approach would be provisions guaranteeing the privacy and inviolability of the family and household and codifying traditional rights of parents to the care, custody, and companionship of their children and to direct their upbringing free from arbitrary state interference. From homeschoolers, to victims of false child abuse accusations, to divorced fathers and mothers, it is parents who are being besieged by an increasingly repressive state apparatus and denied basic due process protections. Such a provision would also reinforce the marital bond in the most critical cases—those involving children—without the allegedly intolerant or exclusionary implications of other proposed measures to strengthen marriage.

Several years ago, the United States Congress began debating a constitutional amendment known as the Parental Rights Amendment. It that declares, "The liberty of parents to direct the upbringing and education of their children is a fundamental right" (House Joint Resolution 3, 2011). The introduction of this Amendment illustrates that questions about the power of the government to come between parents and their children is now of the highest concern. It should serve as the starting point for a long overdue international discussion.

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**MISOGYNY HAS NO SCIENTIFIC BASIS OF ANY KIND:  
THE EVIDENCE IS OF *PHILOGYNY* – AND MISANDRY**

*Steve Moxon*



**ABSTRACT**

*No published science paper demonstrates misogyny exists. Data on both implicit and explicit gender attitudes shows males substantially favouring females – philogyny – or, at worst, gender neutrality. This is hidden by elision with the wider notion of sexism; but there's no evidence for hostile sexism, and hypothesised benevolent sexism is fatally flawed in operational definition. The mode whereby sexism supposedly causes harm -- stereotyping (stereotype threat) -- has been debunked; likewise inter-sexual dominance, removing any theoretical basis. Possible male harm by control is belied in women being found the controlling party. Misogyny / sexism in being defined circularly is unfalsifiable, therefore non-scientific conceptualisation: ideology itself actually hostile sexism (misandry, which is shown to be real but unseen).*

**Keywords:** misogyny, philogyny, misandry, gender attitudes, sexism

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## **INTRODUCTION**

Exhaustive literature search produces no science paper demonstrating the existence of misogyny (however labelled). A generic profound antipathy or hatred towards women by men, as misogyny nowadays is understood (both in popular currency and in academia), is a recent ideological conceptualisation. The former (and still current) common understanding was that some individuals -- of both sexes -- hold in contempt the opposite sex in general because of serial romantic failure.

## **GENDER ATTITUDES RESEARCH SHOWS NOT MISOGYNY BUT PHILOGYNY**

Misogyny formally defined is a (putative) male-to-female hostile or highly negative attitude. 'Gender attitudes', both male-to-female and female-to-male, most recently have been reviewed and freshly examined by Dunham, Baron & Banaji (2016), in a culmination of their own work in various collaborations. Looking at not just explicit but, more unusually, also implicit (automatic) measures (response latency), and -- for the first time in the literature -- across all age groups, Dunham et al found for boys/men "no negative association with female whatsoever" (p5). Furthermore, from adolescence onwards, the same-sex positivity shown by boys on implicit measures decreases so much that males by comparison shift so strongly to a more positive attitude towards females that, overall, their respective consideration for the sexes completely reverses. The authors consider this change dramatic, albeit that the male same-sex positivity was only modest at the outset. With explicit gender attitudes, there is also a shift: towards neutrality. The contrast with girls/women in all respects is striking: "robustly pro-female" -- strongly positive towards females and strongly negative towards males -- and all the more so with age. Furthermore, the low correlation between implicit and explicit measures reveals that they tap into different and independent psychological constructs, as might be expected given the contrasting cognitive facilities available for implicit versus explicit responses. So in respect of responses whether automatic/default or considered, the findings indicate misogyny is a fiction, whereas misandry is real.

## **CONGRUENT EARLIER WORK**

These findings are in respect of individuals (subjects given an individual male and/or female as the target). This builds on earlier research with groups (subjects given all-male

and/or all-female groups as the target) likewise showing that, on explicit measures, by adulthood males as well as females have more positive attitudes towards females than towards males (Eagly & Mladinic, 1989; Eagly, Mladinic & Otto, 1991). Eagly's work was prompted by studies hitherto using only indirect measures of gender attitudes: evaluations of what were thought to be either male or female stereotypes, which then were merely assumed to entirely govern impressions of others according to sex. The conceptual and methodological flaws evident in this approach led Eagly instead to use direct measures – a number of kinds, with a common metric across the sexes. Their conclusions were that (regarding same-sex target groups) both sexes were more positive towards women than towards men; in particular in attitude, but also in how responses were manifestations of beliefs (or stereotypes) about the sexes, and even in their emotional content (albeit here not a statistically significant difference). Notably, despite looking especially for covert negative sentiments towards women, none were found. Furthermore, in analysis to uncover hidden ambivalence, this too was not marked in either cognitive or affective (emotional) reactions.

## **FURTHER REPLICATION OF FINDINGS**

Subsequent to Eagly et al, their findings and conclusions have been confirmed by Haddock & Zanna (1994) and then by Aidman & Carroll (2003), who uncovered a strong automatic preference for female attributes in female undergraduates, and no significant bias in males. Similar results were obtained in work on target groups by Skowronski & Lawrence (2001), and (this time using implicit measures) by Carpenter (2001), albeit that the favourability towards women was much stronger in the case of women. When Skowronski & Lawrence also turned from explicit to implicit measures, their data showed non-significantly pro-female or at worst neutral attitude in the latency responses. No pro-male attitude was uncovered until the authors switched to a different implicit measure, of error responses, and then only a slightly pro-male attitude was found. Mixed results – pro-male as well as pro-female – were not obtained without adding the extreme condition of turning the male and female targets into *soldiers*, thereby introducing a strong demand characteristic confounding results. Note there was no basis to interpret in terms of a negative attitude to females.

## **FEMALE (BUT NO MALE) HOMOPHILY**

Work squarely on what is conceived of as automatic in-group bias (homophily), as

indicated in immediate-response experiments, revealed that this was strong for women, whereas men had no preference at all for their own over the opposite sex (Nosek & Banaji, 2002; Richeson & Ambady, 2001). The female same-sex preference was quantified by Rudman & Goodwin (2004) as fivefold; interestingly by a purer measure of implicit attitude, in that the measure they employed entailed methods eliminating any confound with gender stereotypes. They further found a similar sex differential in respect of *explicit* measures. In explanation of their results, Rudman & Goodwin conclude of women that “they alone possess a cognitive mechanism that promotes own group preference” (p506). So men have no cognitive mechanism to preferentially consider other males as co-members of their group. Most importantly, the neutral data means, conversely, that men have no cognitive mechanism to exclude or to diminish females in considering them as fellow group members. On the contrary, a man – unlike a woman – sees everyone, men and women alike, as being fellow members of any symbolic grouping (such as the whole workplace or company, university year-group or department) to which he himself belongs (Maddux & Brewer, 2005). Similar was found by David-Barrett et al (2015), in their paper entitled ‘Women Favour Dyadic Relationships, but Men Prefer Clubs’. Maddux & Brewer also find that by contrast a woman has her own idiosyncratic individual grouping pattern cutting across symbolic organisational boundaries. This is well-known from decades of studies of social structure and dynamics: a personal network built on an exclusionary principle; a small number of close bonds, to the exclusion of everyone else. Typically there is a core twosome or threesome from which one or more chains of association extend out to individuals at some remove from the symbolic groupings with which males so readily identify. This profound sex dichotomy is also found by Szell & Thurner (2013) and Lindenlaub & Prummer (2013). That key is an exclusionary attitude by females (but not by males) has been confirmed by Benenson et al (2013) and Goodwin (2002). [Note, the general understanding that men form all-male clubs stems not from male psychology of in-grouping but from that of dominance (or prestige) hierarchy, which is all-male (Van den Berg, Lamballais & Kushner, 2015). The research outlined here on in-grouping shows that males must readily either extend their within-hierarchy homophily to change it to an all-inclusive attitude when a wider grouping becomes salient, or that different psychology pertains in parallel with respect, on the one hand, to hierarchy, and, on the other, to grouping.]

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## TRYING AND FAILING TO FIND MISOGYNY IN SPECIAL CONDITIONS

With the failure to demonstrate misogyny and the literature clearly indicating at worst neutral and usually very positive attitude of males to females, there have been attempts to find or manufacture special conditions prompting it. Having replicated Rudman & Goodwin's findings in a Japanese sample (2009), Ishii & Numazakihad (2015) investigated males under supposed threat (to their sense of self worth) when gender was made salient, on their hypothesis that this would produce a negative association with women. However, they found no evidence for this; only an absence of positive association. More specifically, Kasumovic & Kuznekoff (2015) posit women entering the workplace hierarchy are a threat to lower status men. However, Brown & Cotton (2015) show that the authors used inappropriate statistical analysis, without which their data does not reach significance. The authors also falsely assume dominance is inter-sexual (see below), ignoring explanation other than male hostility.

## SEXISM IN ITS SUPPOSEDLY HOSTILE FORM

With the consistent failure to find any evidence of misogyny in terms of a profoundly hostile attitude, or even of a pro-male rather than a pro-female attitude, research has shifted to employing a wider concept conflatable with and thereby (mis-)represented as misogyny: sexism. [Originally defined as a negative attitude towards women (Allport, 1954), just as in gender attitudes research, the concept was later diluted to (any sort of) prejudice or discrimination (Cameron, 1977), and, latterly, any attitude by virtue of the target's biological sex (Lameiras and Rodriguez, 2003), rendering the notion meaningless.] As sexism can be inadvertent, non-malicious and even benign, then its conflation with misogyny allows an unacknowledged broadening of definition thereby to misrepresent as misogyny other phenomena. In turn, sexism can be qualified as negative (rather than neutral or positive) to assume the mantle of misogyny by the back door, as it were; in effect side-stepping the literature on gender attitudes. In essence, gender attitudes have come to be seen as superficial, underlying which is sexism; ignoring that the question of what is covert rather than overt was addressed in the research on implicit gender attitudes.

The major problem with the notion of negative – dubbed *hostile* (Glicke & Fiske, 1996) – sexism is the deeply flawed operational definitions employed in studies. The most recent sexism inventory, by Tougas et al (2015), is criticised by Tostain (2016), citing three examples:

\*It is difficult for a woman to work as a boss. \*Men are incomplete without women. \*Women, compared with men, tend to display a greater moral sense. The first, Tostain points out, is an expression of support for women, against what they might face in the workplace; the second, an acknowledgement of the importance of partnership between the sexes (an objective fact), and the gratitude towards if not aggrandisement of women as partners. It also acknowledges difference between the sexes (also an objective fact). Tostain picks up on this also with respect to the third example, which is an item simply because it's considered as essentialising women. It's overtly pro-female, anti-male real sexism – as is also the second item, yet this, along with the first, nonetheless is deemed hostile sexism (towards women). The third, Tougas sees as sexism but the benevolent form (see below).

The standard measure of sexism, an explicit one, is that by Glick & Fiske (1996). Here are their items indicating hostile sexism (note that some are reverse-worded and would be scored accordingly, so to avoid confusion they are here worded correctly, as it were):

\*Women exaggerate problems at work. \*Women are too easily offended. \*Most women interpret innocent remarks as sexist. \*When women lose fairly, they claim discrimination. \*Women seek special favours under the guise of equality. \*Feminists are making unreasonable demands. \*Feminists are seeking more power than men. \*Women seek power by gaining control over men. \*Many women tease men sexually. \*Once a man commits, she puts him on a tight leash. \*Women fail to appreciate all men do for them. This is self-evidently anything but a list of attitudes clearly denoting hostility, even inadvertently. All the items are open to various interpretation. Given the hegemony of feminism even in extreme form, then most, if not all, are not inaccurate generalisations; reasonable opinion based on common experience, that a majority of people of both sexes would share. Some of the statements are legitimate criticism of ideological feminism, with which most would agree, and for reasons of being *supportive* of women, not through any antipathy. Not endorsing extreme feminism or those articulating the ideology is not negativity towards women.

## **SEXISM DUBBED BENEVOLENT BUT NOT THUS CONSIDERED**

The notion of 'benevolent sexism' was hypothesised by Glick & Fiske (1996, 1997), and the same criticism as of their hostile sexism items applies here but magnified and self-evident. Here are the scale items (again removing 'reverse-wording'): \*A good woman should be set

on a pedestal. \*Women should be cherished and protected by men. \*Men should sacrifice to provide for women. \*In a disaster, women should be rescued first. \*Women have a superior moral sensibility. \*Women have a quality of purity few men possess. \*Women have a more refined sense of culture, taste. \*Every man ought to have a woman he adores. \*Men are incomplete without women. \*Despite accomplishment, men are incomplete without women. \*People usually are not happy without heterosexual romance. Glick & Fiske (1997) see benevolent alongside hostile sexism in a general category of ambivalent sexism.

## THE EMPTY CONCEPT OF STEREOTYPE THREAT

Ambivalent sexism supposedly harms women by evoking a sex stereotype, assumed to be taken by women to be what is or what is not expected of them; causing self-inhibition from behaving according to a non-traditional role, avoiding anticipated punishment. Akin to the concept of internalised misogyny (a non-parsimonious, implausible, non-evidenced notion), this supposed mechanism of harm is dubbed *stereotype threat*. Coined by Steele & Aronson (1995), initially regarding African-American race issues; in respect of sex, very serious problems with this construct are apparent, not least when explicit measures are used. Not merely is there no negative impact of presenting a stereotype, but a *positive* outcome is produced (Kray, Thompson & Galinsky, 2001). Findings likewise entirely contrary to prediction have also been found by Fryer, Levitt & List (2008) and Geraldes, Riedl & Strobel (2011). All literature on this topic was reviewed by Stoet & Geary (2012), who find no evidence for the phenomenon, not least through multiple major methodological flaws -- notably the absence of a control group and inappropriate data adjustments. This applies to almost all of the supposedly successful replications of an effect in regard of women and maths; which in any case were only half of the 20 attempts in total. Jussim et al (2016) took further issue with data adjustment, concluding that even if stereotype threat were a factor, it's so tiny as to be irrelevant. [Note that the prior review by Kit, Tuokko & Mateer (2008) was not an objective examination but a look at how research was progressing, on the unquestioned assumption that stereotype threat is a real phenomenon.] In the wake of Stoet & Geary's review, further attempts at replication using large samples all failed: Wei (2012), Ganley et al (2013), Stafford (2016) and Finnigan & Corker (2016). Many such failed attempts over the past 20 years have remained unpublished through publication bias (Flore & Witcherts, 2015) – non-replication

being far less interesting to journals. A more recent (2016) review by Tostain is comprehensively damning. His conclusion is that the impact of stereotyping is one among multiple factors, and anyway in itself very small: “stereotypes do not necessarily have the power that is often attributed to them. Firstly, the perception and the judgements of individuals are not necessarily altered by gender stereotypes. And in addition, measures of gender stereotyping are not necessarily neutral, and can direct one towards a vision that artificially accentuates the presence and weight of stereotypes. Finally, the predictive value (in terms of links with discriminatory behaviours) of tests for the evaluation of stereotypes, particularly gender stereotypes, remains subject to debate”. Tostain outlines the fundamental problem of “misunderstanding the fact that individuals can make reference to stereotypes according to different levels of judgement and different perspectives”, when everything is geared “implicitly to adopt a univocal causal schema ... born of a vision of masculine domination”; the upshot being that “individuals are constantly faced with heterogeneous dynamics, some of which can be opposed to these stereotypes”. It’s not merely that a negative impact of stereotype threat is in doubt, but stereotypes have *positive impact in the very same terms*. Yet, as Stoet & Geary warn, the absence of control groups prevents even the possibility of detecting any positive impact. The notion of stereotype threat is imaginary. As with misogyny, belief in a non-real phenomenon requires its invention (through a tendentious interpretation of scenarios far from real life) to retrospectively justify the belief.

## **CIRCULAR REASONING**

Fundamental problems are evident in definitions. Whereas the hostile sexism is defined by Glick & Fiske (1997) as “dominative paternalism, derogatory beliefs, and heterosexual hostility”, the ‘benevolent’ variant is “protective paternalism, idealization of women, and desire for intimate relations”. Given this definition of the benevolent form, all inter-sexual interaction is deemed sexist: an entirely circular reasoning. Sexism in this new ambivalent wider conceptualisation is deemed the cause of patriarchy and traditional gender roles; but anything and everything about these roles and patriarchy is deemed sexism. With sexism and its impact claimed to be one and the same, then sexism is its own aetiology: a non-explanation that cannot be a scientific hypothesis. The perfect circularity leaves nothing to test. It’s an exercise in unfalsifiability, and what cannot, even in principle, be disproven, is

by definition not scientific. The notion in academia of sexism has replaced or been elided with that of misogyny to mean the same thing: ubiquitous male hostility to females. Whereas the supposed phenomenon of misogyny can be shown to be entirely lacking in evidence and, therefore, categorically false; sexism has been developed as a construct always to escape this eventuality through becoming stretched to encompass any data, instead of data being used to test an hypothesis. Sexism thereby has been rendered an ideological or quasi-religious belief.

## **MISOGYNY IS NOT CONTROL: THE FEMALE IS THE CONTROLLING PARTNER**

A further possible form of harm done to women by men that conceivably might be considered misogyny, is controlling behaviour in couples, but again research reveals the inverse of expectation. It is not men but women who typically try to prevent their partner from straying. Vogel et al (2007) find that the woman partner has complete charge of the relationship, and that “wives behaviorally exhibited more domineering attempts and were more dominant (ie, more likely to have their partner give in) than husbands during discussions of either spouse’s topic” (p173). In line with this, Coleman & Straus (1986) long ago found that the woman is the controlling partner in 90% of couples. According to Graham-Kevan & Archer (2009), women utilise *male* modes of control as much as or more than do men. This surely produces a large asymmetry in favour of female perpetration, in that women greatly predominate in female modes (males shunning such modes to avoid loss of status). Bates, Graham-Kevan & Archer (2014) found that “women were more likely than men to be categorized as showing high control” (p10). This is the former popular understanding. The one theme rivalling sex in old English comic seaside postcards. It fits new understanding that human pair bonding evolved in the female interest (Moxon, 2013).

## **MISANDRY: THE REAL SEXISM IS UNSEEN**

With misogyny a figment of ideological imagination, it is *charging* misogyny that is itself the hatred towards the other sex it purports to call out. Hostile sexism manifest as *misandry* is the real phenomenon in need of study. That it has always existed is indicated by the data generated in the failed quest to establish the reality of misogyny – notably what has been revealed about the stark sex dichotomy in human in-grouping (see above), whereby

women group according to an exclusionary principle, and much more so against men. That this actual sexism is not seen for what it is, shows up in research into bias in respect of sexism. Evidently, sexism *by* females is unseen: and not just anti-male (Rudman & Fetteroff, 2014; Goh, Rad & Hall, 2017), but also anti-*female* (Baron, Burgess & Kao, 1991); this being the perception of both males and other females. Hence the surprise at the Demos findings in 2016 that the bulk of on-line misogynistic abuse, on Twitter, was not by men but women. Goh et al replicated in dyadic behaviour what Rudman and Fetteroff had found regarding groups: women being biased to (mis-)perceive hostile sexism from men when it isn't there; conversely, not seeing men's benevolent sexism when it is (albeit regarding this last, Goh et al's findings were not statistically significant). By contrast, men under-estimated women's hostile sexism and over-estimated their benevolent sexism. Nevertheless, female hostile sexism is found to be at the same level as that attributed to men (Cárdenas et al, 2010; León-Ramírez & Ferrando Piera, 2013); the latter finding female benevolent sexism to be far less (though the same level, according to Cárdenas et al). Women's sexism, unlike men's, tended to be hostile rather than benevolent. Misandry is acknowledged in a large study by principal researcher Peter Glick (et al, 2004) as "hostile as well as benevolent attitudes *toward men*".

## **THE MISCONCEIVED NOTION OF INTER-SEXUAL DOMINANCE**

The notion of sexism is predicated on the concept of inter-sexual dominance, but in all species dominance is a male intra-sexual phenomenon. [For reviews, see Moxon (2016, 2009).] Not only do males not incorporate females into their dominance hierarchy, but females do not have the neural circuitry to process the winner and/or loser effects necessary to form actual dominance hierarchy even among themselves (Van den Berg, Lamballais & Kushner, 2015). Females no more have the facility to be sub-dominant (subordinate) to males than males would attempt to be dominant over them. Much evidence from biology shows that gender inequality is a chimera through profound failure to comprehend the basis of sociality: that males and females always have separate and very different sociality -- for a very recent review, see Moxon (2016) -- and that the ways in which they do interact are highly complementary. In the workplace or civic spaces that in a traditional society would be the arena of male intra-sexual competition, a hierarchy will not be psychologically salient to girls/women. Attempting to fit in in other ways, facilitated by the absence of same-sex

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preference in male in-grouping, still women are bound to experience difficulty in mapping female sociality onto the social structure of the workplace. Albeit amorphous, necessarily the work organisation is modelled on male sociality through business competition and efficiency imperatives. These difficulties, in not being understood, are mistakenly attributed to obstacles placed by males through some putative male-to-female hostility.

## **HARASSMENT IS NOT A RESIDUAL CATEGORY OF MISOGYNY**

The above findings of female mis-perception heavily undermine studies of sexual / gender harassment: another category of behaviour that might be thought to embody misogyny. With women liable to both invent male hostility and to be blind to male benevolence, then studies of harassment would have to control for these confounds. They don't, and with no reason to suppose other than that these confounds apply in all male-female interaction, it is hard to envisage a viable experimental design. This compounds problems with already acknowledged eye-of-the-beholder effects: the perception of who is and who isn't an harasser, and what is and what is not harassment, when varying female and male attractiveness (youth/beauty and status) of putative victims and perpetrators. It is not merely that, for reasons of basic evolutionary biology logic, both sexes are highly likely to over-perceive each other's sexual interest: males, so as not to miss a reproductive opportunity; females, so as to avoid less than perfect reproductive opportunities. Females may also give out implicit proceptive signals in a courtship dialogue to assess the male before, in the end, rejecting him. The topic is similar to that of rape in being subject to ideologically-driven denial that motivation is sexual, in favour of unfounded assertions that instead it concerns 'power' (in ignorance that dominance is not inter-sexual). There is a failure here to comprehend the nature of courtship: males displaying mate value in terms of their intra-sexual dominance in a call-and-response dialogue with a female, who then can better examine the male's potential as a suitable mate. The male display here is an advertisement of dominance vis-a-vis his fellow males, *not* with respect to the courted female. Non-reciprocated wooing can be seen as harassment, but to portray it as other than positive sexual interest is unwarranted denigration of male sexuality. The notion that a high-status male expresses 'power' in his sexual overtures ignores that such a male realistically anticipates a favourable response to sexual entreaty. Using work-place position as a basis of

making sexual advances is often misrepresented as the use of sexuality to impose 'power', when it is the other way round. It is mistaken to impute male motivation based on the female target feeling that her ability to make a mate choice is being constrained, as in the case of the male being merely such as a very junior manager. For a high status male, the female target's attitude is liable to completely change (Colarelli & Haaland, 2002; O'Connell, 2009). It is easy to see how status and 'power' can be confused, to then assert socio-cultural explanation. A comprehensive rebuttal of the notion that sexual harassment is about 'power' rather than sex is provided by Browne (2002), who also outlines the mis-perception as harassment of women being hazed in hitherto all-male or predominantly male work-places. An informal means of establishing membership of the work-group, hazing (initiation rites; ragging) is male intra-sexual behaviour not understood by women, who feel threatened by it, even when males are extending hazing to encompass women for the very reason of trying to be especially inclusive.

For a variety of inter-related reasons, the harassment literature is very confused. Browne's is the most wide-ranging, comprehensive, non-ideological overview available. Mostly there is an overwhelmingly feminist, social constructivist, advocacy stance inimical to science, failing to identify and adding to confounds. The problems are laid bare even in sympathetic overview by Pina, Gannon & Saunders (2009); that the profusion of poorly evidenced modelling (socio-cultural, organizational, sex-role spillover, socio-cognitive, and four-factor) is concerningly perplexing. Complex difficulties are also outlined by Vanselow (2009). Little would be gained here by review. The coup de grace is that what constitutes harassment is now whatever it is deemed to be -- even by a third-party -- making it as perfectly circular in definition as is sexism. In any case, the notion of harassment as embodying or being underpinned by negativity towards females is so lacking in theoretical basis that evidence with strong external validity would be needed for it to be taken as other than ideology. Any attempt to establish harassment as a category of behaviour that might be the last refuge of a basis of misogyny is very unlikely to be successful.

## **DENIAL OF THE EXISTENCE OF THE SEXES**

An influential academic line is that men and women seeing each other in biological terms is what perpetuates gender inequality. This is captured in the afore-mentioned definition of sexism by Lameiras and Rodriguez (2003) as an attitude towards others by

virtue of their biological sex; and in the conceptualisation by Glick et al (2004) that sexist “attitudes toward men reflect and support gender inequality by characterizing men as being designed for dominance”. It is held that the only sexism towards men is seeing their behaviour as biologically motivated -- this now being deemed false understanding; and just asserting a new cultural view will supersede biology, as if it were mere historical aberration -- that male-female is socially constructed, and as such replaceable by a new reality. And just as sexism is circularly rendered anything and everything concerning male-female interaction, gender inequality, taken to be synonymous with all interaction between men and women, is by this unsupported assertion regarded as irredeemable. The solution, on this view, is to persistently assert the non-existence of the sexes, thereby to bring this about by self-fulfilling prophecy (from the bogus notion that changing language changes reality). In eliminating the male, there would remain no sex to distinguish as female, leaving simply people. There is a deep political basis of this flight of fancy, concerning salving cognitive dissonance in the Marxist mindset, re which I have published. It is the tap root of the insistence on current notions of misogyny, but contemporary mythology is beyond the scope of the present text.

## CONCLUSION

Not only is there zero evidence for misogyny in gender attitudes research, but there is clear evidence against, in support of its antithesis (philogyny and misandry). Attempts to water down and obfuscate in notions of sexism have failed to save the concept, and the supposed harm in stereotype threat proves to be a chimera. All conceptualisation ends in circular definition, leaving no phenomenon to investigate. This is no surprise, given no theoretical basis of misogyny other than non-/anti-scientific ideology. The need to conceive of misogyny has been political. The construct is itself anti-male ideology supported by natural anti-male prejudice (misandry), for which, by contrast, there *is* theoretical basis.

Misandry is no mystery. That females are the limiting factor in reproduction would be expected to elicit deep suspicion towards males (prompting the policing of males, especially in regard to sex) and very special consideration towards females (prompting the protection of females, especially from sexual access by males). This fits with what is found in the failed attempts to find misogyny; only *philogyny* being evident. This prompts anticipating potential harm to females, even when it's highly unlikely. Just as this harm to women is a figment, so

too is a putative agent capable of causing it. With males considered the agentic sex, they are supposed agents of harm to females, and by natural extension *intent* to cause harm is mistakenly imputed to men. Any sex-typically male activity conceived of as potentially harmful is thus presumed. Hence misandry is misrepresented as its obverse: misogyny. The notion of misogyny likely is the most tenacious (false) myth in the human imagination.

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## **BASTARDIZED CHIVALRY: FROM CONCERN FOR WEAKNESS TO SEXUAL EXPLOITATION**

*Peter Wright*



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### **ABSTRACT**

*The phenomenon of chivalry, alternatively termed benevolent sexism, is frequently studied in terms of its importance to and impact on women. This essay looks at the evolution of the concept from its medieval beginnings to when it later branched into two distinct forms; military chivalry and romantic chivalry. It summarizes the nature of romantic chivalry and reviews some key findings of recent studies, including men's embodied experiences of romantic chivalry in relation to psychosocial health. The essay concludes that romantic chivalry is a sexist convention and asks whether it's time to de-genderize its principles of operation.*

**Keywords:** chivalry, benevolent sexism, gynocentrism, entitlement, masculinities, men

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*“Chivalry, as understood by Modern Sentimental Feminism, means unlimited licence for women in their relations with men, and unlimited coercion for men in their relations with women. To men all duties and no rights, to women all rights and no duties, is the basic principle underlying Modern Feminism, Suffragism, and the bastard chivalry it is so fond of invoking.” – (Bax, 1913, p. 141)*

In 1913 English barrister Ernest B. Bax observed that chivalry had undergone an alteration or, as he understood it, a corruption from its earlier intent of *deference to weakness*. (Bax, 1913). He contended that the original definition was no longer current since in its modern application the question of a person’s sex took precedence over that of weakness proper. Instead of chivalry being directed to the care and protection of children, frail elders, the disabled, or the wounded in battle as in earlier times, Bax understood the new chivalry as being confined strictly to “sex privilege and sex favouritism pure and simple.” (Bax, 1913, p. 100).

The claim of chivalry being redirected along predominantly sexual lines is confirmed by most modern dictionaries, for example in the Cambridge Dictionary which defines it as ‘Very polite, honest, and kind behaviour, especially toward women.’ (Dictionary C, 2015). Following in the footsteps of Bax the following essay will explore the gendered facets of “bastard chivalry,” focusing on its promotion of sex-favouritism and associated impacts on male health.

## **THE EMERGENCE AND DIVERGENCE OF ‘TWO CHIVALRIES’**

The earliest meaning of chivalry referred to a code of behaviour followed by medieval knights of Europe, the word itself being derived from Old French *chevalerie*, from medieval Latin *caballerius* meaning ‘horseman’ (Dictionary O.E., 2008). As Bax observes;

*“The term meant originally the virtues associated with knighthood considered as a whole, bravery even to the extent of reckless daring, loyalty to the chief or feudal superior, generosity to a fallen foe, general open-handedness, and open-heartedness, including, of course, the succour of the weak and the oppressed generally, inter alia, the female sex when in difficulties... [O]nly a fragment of the original connotation of the word chivalry is covered by the term as used in our time, and that even that fragment is torn from its original connection and is made to serve as a scarecrow in the field of public opinion to intimidate all who refuse to act upon, or who protest against, the privileges and immunities of the female*

*sex.*" (Bax, 1913, pp. 100-101)

The variation referred to by Bax can be traced back to an emerging culture of courtly love and its harnessing of chivalry to new ends, which in the West is a development of the twelfth century. According to historian Jennifer G. Wollock of Texas University, "the idea that love is ennobling and necessary for the education of a knight comes out of the lyrics of this period, but also in the romances of knighthood. Here the truest lovers are now the best knights." (Wollock, 2011, p. 42).

In that historical context chivalry was subjected to a new contextual application, taken up by an emerging culture of courtly love in which men were taught to direct their chivalric cares, concern, protection, obedience, and service exclusively to women (Alfonsi, 1986). Over the course of two centuries there emerged two distinctly differentiated versions of chivalry: a continuing military chivalry with its code of conduct and proper contexts, and a romantic chivalry complete with its code of conduct and proper contexts.

It is difficult to pinpoint when the culture of romantic chivalry constellated and found relative independence from its military forerunner, but the evidence of troubadour poetry, romance fiction (Yalom, 2012), and etiquette manuals (Cappelanus, 1990) detailing the elaborate conventions of romantic chivalry attest to its emergence by the end of the twelfth century. Central to that revolution was the imperial patronage of Eleanor of Aquitaine and her daughter Marie de Champagne who together elaborated the military notion of chivalry into one of servicing ladies.

Prior to the twelfth century romantic chivalry did not exist as a gendered construct; it was in the Middle Ages that it developed cultural complexity and became the ubiquitous and enduring cultural norm we inherit today. The following timeline details the birth of romantic chivalry along with significant historical events that promoted its survival:

### **1102 AD: Romantic chivalry trope first introduced**

William IX, Duke of Aquitaine, the most powerful feudal lord in France, wrote the first troubadour poems and is widely considered the first troubadour. Parting with the tradition of fighting wars strictly on behalf of man, king, God and country, William is said to have had the image of his mistress painted on his shield, whom he called *midons* (my Lord) saying that it was his will to bear her in battle, as she had borne him in bed.

### **1152 AD: Queen Eleanor of Aquitaine.**

Queen Eleanor invites poet Bernard de Ventadorn to compose songs of love for her and her husband, Henry II. The songs lay down a code of chivalric behaviour for how a good man should treat his “lady,” which Eleanor employs in an apparent attempt to civilize her husband and his male associates. Eleanor and other noblewomen began to encourage poetic narratives that set expectations on how men should act around them (School of Life, 2011).

### **1168 – 1198 AD:**

The romantic chivalry trope is elaborated and given imperial patronage by Eleanor and her daughter Marie. At Eleanor’s court in Poitiers Eleanor and Marie embroidered the Christian military code of chivalry with a code for romantic lovers, thus putting women at the center of courtly life – and in doing so they had permanently changed the face of chivalry (McKnight, 1994).

Key events are:

- **1170 AD:** Eleanor and Marie established the formal Courts of Love presided over by themselves and a jury of 60 noble ladies who would investigate and hand down judgements on love-disputes according to the newly introduced code governing gender relations. The courts were modelled precisely along the lines of the traditional feudal courts where disputes between retainers had been settled by the powerful lord. In this case however the disputes were between lovers (McKnight, 1994).
- **1180 AD:** Marie directs Chrétien de Troyes to write *Lancelot, the Knight of the Cart*, a love story about Lancelot and Guinevere elaborating the nature of romantic chivalry. Chrétien de Troyes objected to the implicit approval of the adulterous affair between Lancelot and

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Guinevere that Marie had directed him to write about and failed to finish it, but later poets completed the story on Chrétien's behalf. Chrétien also wrote other famous romances including *Erec and Enide* (McKnight, 1994).

- **1188 AD:** Marie directs her chaplain Andreas Capellanus to write *The Art of Courtly Love*. This guide to the chivalric codes of romantic love is a document that could pass as contemporary in almost every respect, excepting for the outdated class structures and assumptions. Many of the admonitions in Andreas textbook are believed to have come from the women who directed the writing (McKnight, 1994).
- **1180 – 1380 AD:** In two hundred years the culture of romantic chivalry spread from France to become instituted in all the principle courts of Europe, and went on to capture the imagination of men, women and children of all social classes. According to Jennifer Wollock (2011), the continuing popularity of chivalric love stories is confirmed by the contents of women's libraries of the late Middle Ages, literature which had a substantial female readership including mothers reading to their daughters. Aside from the growing access to literature, chivalric culture values spread via everyday interactions among people in which they shared the ideas.

The aristocratic classes who first developed the romantic chivalry trope did not exist in a vacuum. The courtly themes they enacted would most certainly have captured the imaginations of the lower classes through public displays of pomp and pageantry, troubadours and tournaments, minstrels and playwrights, the telling of romantic stories, and of course the gossip flowing everywhere which would have exerted a powerful effect on the peasant imagination (Wright 2014).

It is possible that those of even lower classes adopted some assumptions portrayed in the public displays, such as the importance of chivalrous behavior toward women and perhaps a belief in women's purity and moral superiority. Certainly by the 1600s and beyond, the adaptation of romantic chivalry by lower classes was in full career, as evidenced by Lucrezia Marinella who provides an example of Venetian society from the year 1600:

*It is a marvelous sight in our city to see the wife of a shoemaker or butcher or even a porter all dressed up with gold chains round her neck, with pearls and valuable rings on her fingers, accompanied by a pair of women on either side to assist her and give her a hand, and then, by contrast, to see her husband cutting up meat all soiled with ox's blood and down at heel, or loaded up like a beast of burden dressed in rough cloth, as porters are.*

*At first it may seem an astonishing anomaly to see the wife dressed like a lady and the husband so basely that he often appears to be her servant or butler, but if we consider the matter properly, we find it reasonable because it is necessary for a woman, even if she is humble and low, to be ornamented in this way because of her natural dignity and excellence, and for the man to be less so, like a servant or beast born to serve her.*

*Women have been honored by men with great and eminent titles that are used by them continually, being commonly referred to as 'donna', for the name donna means lady and mistress. When men refer to women thus, they honor them, though they may not intend to, by calling them ladies, even if they are humble and of a lowly disposition. In truth, to express the nobility of this sex men could not find a more appropriate and fitting name than donna, which immediately shows women's superiority and precedence over men, because by calling women mistress they [men] show themselves of necessity to be subjects and servants (Marinella, 1999).*

While popular recognition of the 'two chivalries' ran concurrently over several hundred years, the notion of military chivalry would eventually be relegated to obscurity in popular discourse as described in the observations above by Bax and evidenced by definitions in modern dictionaries.

## **IDEOLOGICAL STRUCTURE OF ROMANTIC CHIVALRY**

Romantic chivalry is alluded to by alternative terms such as benevolent sexism, romantic love, gentlemanliness, courtesy, gallantry, heroism, or simply chivalry. The practice has roots in what some scholars have referred to as chivalric 'love service,' (Bennett, 2013) a ritualized form of devotion by men toward women popularized by troubadours in the Middle Ages. The earliest conceptualization of love service borrowed from the vocabulary of medieval feudalism, mimicking ties between a liegeman and his overlord; i.e., the male lover is referred to as *homo ligius* (the woman's liegeman, or 'my man') who pledged *honor*, and *servitium* (service) to the lady via a posture of feudal homage. The lady was addressed as *midons* (literally 'my lord'), and also by *dominus* (denoting the feudal Lady) (Alfonsi, 1986). These practices form the ideological taproot of modern romantic chivalry.

The conventions and indeed the lived practices of romantic chivalry celebrated first among the upper classes made their way by degrees eventually to the middle classes and finally to the lower classes – or rather they broke class structure altogether in the sense that all Western peoples became inheritors of the customs regardless of their social station. Today chivalry is a norm observed across the majority of global cultures, an explicitly gynocentric norm aimed to increase the comfort, safety and power of women, while affording men a sense of purpose and occasional heroism in addressing that same task (Wright, 2014).

C.S. Lewis referred to the growth of romantic chivalry as “the feudalisation of love,” (Lewis, 2013, p. 2) making the observation that it has left no corner of our ethics, our imagination, or our daily life untouched. He observed that European society has moved essentially from a social feudalism, involving a contractual arrangement between a feudal lord and his vassal, to a *sexual feudalism* involving a comparable contract between men and women as symbolized in the act of a man going down on one knee to propose marriage (Wright, 2014).

## **EDUCATION IN CHIVALRY THROUGH THE USE OF SHAME**

The education and transmission of chivalry from generation to generation is overseen by parents, teachers and peers, and is reinforced by a plethora of culture-mediums including social media, mainstream media, political narratives, romance novels, music, cinema and the arts. Through these mediums romantic chivalry is internalized by young girls and boys as models of expected gendered behaviour.

An early example appears in the 1825 volume *The History of Chivalry or Knighthood and Its Times*, describing the education of a boy in the expectations of romantic chivalry. The author tells that in Medieval Europe the intellectual and moral education of boys in the chivalric code was given by the time they turned seven years by the ladies of the court:

*“From the lips of the ladies the gentle page learned both his catechism and the art of love, and as the religion of the day was full of symbols, and addressed to the senses, so the other feature of his devotion was not to be nourished by abstract contemplation alone. He was directed to regard some one lady of the court as the type of his heart’s future mistress; she was the centre of all his hopes and wishes; to her he was obedient, faithful, and courteous.”*  
(Mills, 1825, pp. 32-33)

To illustrate such education we are provided an anecdote of a young boy named Jean de Saintre,

page of honour at the court of the French king. A Dame des Belles Cousines enquired of the boy ‘the name of the mistress of his heart’s affections’:

*The simple youth replied, that he loved his lady mother, and next to her, his sister Jacqueline was dear to him. “Young man,” rejoined the lady, “I am not speaking of the affection due to your mother and sister; but I wish to know the name of the lady to whom you are attached par amours.” The poor boy was still more confused, and he could only reply that he loved no one par amours.*

*The Dame des Belles Cousines charged him with being a traitor to the laws of chivalry, and declared that his craven spirit was evinced by such an avowal. “Whence,” she enquired, “sprang the valiancy and knightly feats of Launcelot, Gawain, Tristram, Giron the courteous, and other ornaments of the round table of Ponthus, and of those knights and squires of this country whom I could enumerate: whence the grandeur of many whom I have known to arise to renown, except from the noble desire of maintaining themselves in the grace and esteem of the ladies; without which spirit-stirring sentiment they must have ever remained in the shades of obscurity? And do you, coward valet, presume to declare that you possess no sovereign lady, and desire to have none?”*

*Jean underwent a long scene of persecution on account of his confession of the want of proper chivalric sentiment, but he was at length restored to favour by the intercession of the ladies of the court. He then named as his mistress Matheline de Coucy, a child only ten years old. (Mills, 1825, pp. 32-33)*

The pressure applied to the boy of this account, including shaming responses for his non-conformity, provide testament to the pressures that accompanied, and continue to accompany, deviance from the dictates of romantic chivalry. Education of this kind is common on social media today where read commentaries about “unchivalrous” males who by their failures become the subject of mockery and shame (a Google search for *unchivalrous* co-occurs with the word ‘shame’ 54,900 times; ‘ashamed’ 23,400; ‘pathetic’ 31,000; ‘loser’ 14,500; and ‘unmanly’ 9,960 times respectively). (Google, 2018)

A recent example of a shaming narrative serving as an educative prompt appeared in the online *Conservative Woman* (Perrins, 2018). The article recounted an incident from the year 1989 when 25-year-old gunman Marc Lépine entered the École Polytechnique armed with a semi-automatic rifle and ordered the males and females to form into separate groups. He then began killing several women and injuring some of the men. The author lamented that these men “abandoned” the women in an “act of abdication” that would have been unthinkable in previous,

more chivalric periods of history. The author admits she was “pretty shocked that the men left,” and finally blames “the collapse of protective masculinity” as a preventable factor in the deaths of those women.

Regarding younger children, a search for chivalry and related terms such as “knight” “damsel in distress” and “princess” in the children’s section of Amazon Books website (for ages 2–12) generated over 10,000 results, revealing that a fascination with medieval gender roles remains popular with children and their parents today, a result that can be multiplied with the addition of teenage and adult books in the same genre (Amazon, 2018). One example titled *Noisy Knights* (for boys aged 2-5) shows pictures of a distressed damsel menaced by a fire-breathing dragon (the book includes a battery operated button to make her scream in audio) (Taplin, 2010). The text asks the reader if he knows of any knight who might be brave enough to save her, a question clearly designed to lead young male reader to volunteer service, imagining himself stepping into a position of danger to protect the damsel and reduce her distress.

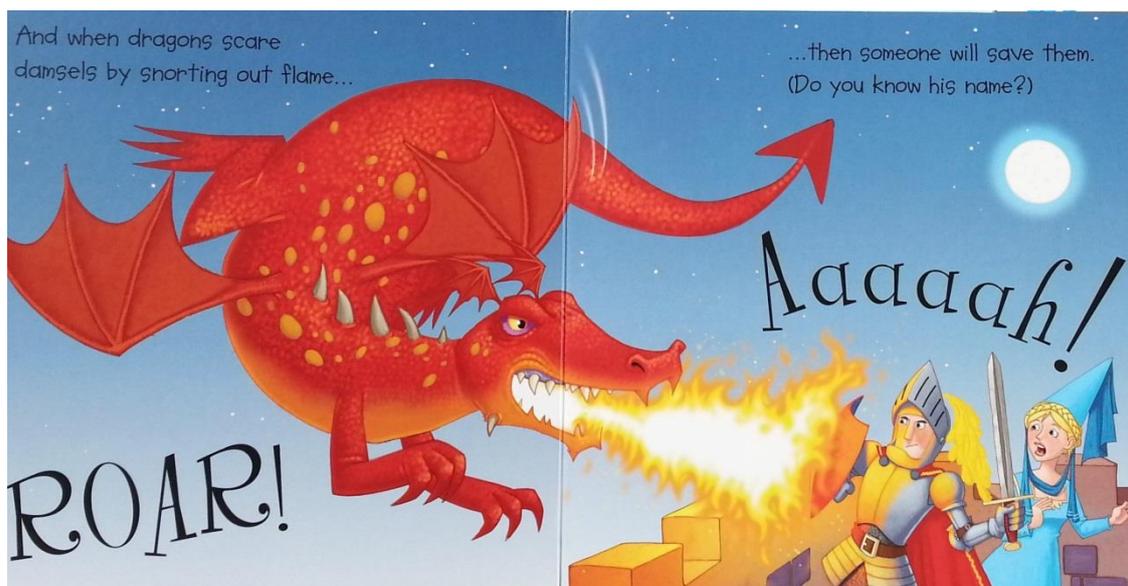


Figure 1. *Noisy Knights* (Taplin, 2010, P. 5-6) invites young male readers to identify with a ‘damsel-saving’ knight

Romantic chivalry is further popularized in video games and Disney movies, for example, which are bestsellers among children in the digital age. Many themes of romantic chivalry appear charming in isolation from their real-world implications, a delight to the imagination, however as the field of narrative psychology likes to remind; our identities consist of such stuff as dreams are made: the stories that children and adults absorb are the stories they *enact*, and in this case

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there is potential for men and boys to enact them to the neglect of their health, their safety, their dignity and larger human potential (Wright & Elam, 2017, p. 29-31).

## **BENEVOLENT SEXISM**

In the field of sociology chivalry remains a much-researched topic, though renamed and problematized under the heading ‘benevolent sexism.’ According to P. Glick *et.al* (2000), the attitudes tapped in the Benevolent Sexism Scale are closer to medieval ideologies of chivalry than they are to other modern social or political movements. Benevolent Sexism (often shortened humorously to ‘BS’) is rooted in the traditional culture-structures guiding personal relationships between men and women and is not an outcome of contemporary politics, even when reinforced by political discourse and encoded in legislation (Glick, *et.al.*, 2000).

Benevolent sexism is described as the expression of reverence and care toward women while promising they will be protected and provided for by men, and is thus experienced subjectively by women as an agreeable form of sexism (Hammond, *et.al.*, 2014). Moreover, research has shown that these attitudes objectively *do* benefit women because men who express agreement with benevolent sexism are generally more caring, satisfying, and positive relationship partners (Hammond, *et.al.*, 2014).

In their study aptly titled *The Allure of Sexism*, Matthew D. Hammond *et.al.* (2014) researched whether a sense of entitlement to special treatments—a central facet of narcissism based on feelings of superiority and deservingness—was linked with endorsement of benevolent sexism by women across time:

*‘If women endorse benevolent sexism because of the individual-level benefits it offers, then women’s endorsement of benevolent sexism should vary depending on dispositional differences in psychological entitlement. Psychological entitlement is a core facet of narcissism, which encompasses feelings that the self deserves nice things, social status and praise, and beliefs of the self as superior, highly intelligent, and attractive (Campbell, Bonacci, Shelton, Exline & Bushman, 2004; Campbell, Brunell, & Finkel, 2006; Emmons, 1987; Miller & Campbell, 2010). The model of narcissistic self-regulation characterizes psychological entitlement as manifesting in efforts to gain esteem, status, and resources (Campbell & Foster, 2007; Campbell et al., 2006; Morf & Rhodewalt, 2001). Such efforts include adopting a superficially charming, confident, and energetic approach to social interactions (Foster, Shrira, & Campbell, 2006; Paulhus, 1998), taking personal*

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*responsibility for successes and attributing failures to external sources (Chowning & Campbell, 2009; Rhodewalt & Morf, 1998), and acting selfishly to secure material gains even when it means exploiting others (Campbell et al., 2004; Campbell, Bush, Brunell, & Shelton, 2005).’ (Hammond, et.al., 2014, p. 2).*

Perhaps unsurprisingly, the study found that a psychological sense of entitlement in women does mediate endorsement of benevolent sexism. Moreover, the researchers theorized that characteristics of narcissistic entitlement – those which drive resource-attainment and self-enhancement strategies – are the same qualities that promote women’s adoption of benevolent sexism:

*‘First, benevolent sexism facilitates the capacity to gain material resources and complements feelings of deservingness by promoting a structure of intimate relationships in which men use their access to social power and status to provide for women (Chen et al., 2009). Second, benevolent sexism reinforces beliefs of superiority by expressing praise and reverence of women, emphasizing qualities of purity, morality, and culture which make women the “fairer sex.” Indeed, identifying with these kinds of gender-related beliefs (e.g., women are warm) fosters a more positive self-concept (Rudman, Greenwald, & McGhee, 2001).*

*Moreover, for women higher in psychological entitlement, benevolent sexism legitimizes a self-centric approach to relationships by emphasizing women’s special status within the intimate domain and men’s responsibilities of providing and caring for women. Such care involves everyday chivalrous behaviors, such as paying on a first date and opening doors for women (Sarlet et al., 2012; Viki et al., 2003), to more overarching prescriptions for men’s behavior toward women, such as being “willing to sacrifice their own well-being” to provide for women and to ensure women’s happiness by placing her “on a pedestal” (Ambivalent Sexism Inventory; Glick & Fiske, 1996). Thus, women higher in psychological entitlement should be particularly enticed by benevolent sexism because it justifies provision and praise from men as expected behavior and does not require women to reciprocate the reverence or material gains, which men provide.’ (Hammond, et.al., 2014, pp. 3-4).*

While the Hammond study describes the sense of entitlement by women in terms of narcissistic motivation, it is more accurately termed *gynocentric* based on the exclusively gendered context, i.e. woman as center of the relational contract who feels deserving of benevolent gestures from men and boys. While deservingness is an integral feature of narcissism, the concept of *gynocentrism* provides more specificity than does narcissism because women may not feel entitled, for example, to special treatment by non-intimate males nor by other women

(as compared to an individual scoring high on standard narcissism scales), reserving instead the sense of entitlement for intimate gendered relationships. The gendered context of women's sense of entitlement is confirmed by studies showing that women tend to score lower than men on global narcissism scales (Grijalva, *et.al.*, 2013), however such measures fail to take into account the exclusively gendered domain in which benevolent sexism operates and in which the level of female narcissism may be much higher.

A 2018 survey of 782 female subjects found women believe male partners displaying benevolent sexist attitudes are more willing to protect, provide for, and commit to them, which in turn rendered those men more attractive. Interestingly, feminist women were just as likely as non-feminist women to prefer benevolently sexist men over more egalitarian men regardless of whether they rated themselves as high or low feminists. High feminists rated the benevolent sexist men as more patronizing and undermining than did low feminists, but felt the positive sides of benevolent sexism outweighed the negatives (Gul & Kupfer, 2018).

## **SOCIETAL CHIVALRY**

Beyond the relational sphere, chivalric customs are utilized to facilitate more empowerment of women via the initiatives of national and international governing bodies. This can be witnessed for example in anti-violence campaigns such as the White Ribbon initiative in Australia which asks men to “Stand up, speak out, *and act*” to ensure the dignity, safety and comfort of any women, even strangers, who might find themselves in real or imagined danger (Seymour, 2018).

We witness it again internationally in the HeForShe campaign initiated by UN Women Ambassador Emma Watson, who in her introductory speech appealed to feminist oversight of gendered matters six times, and then to the importance of men offering their chivalric support to women's empowerment: “I want men to take up this mantle. So their daughters, sisters and mothers can be free from prejudice... I am inviting you to step forward, to be seen to speak up, to be the ‘he’ for ‘she.’ And to ask yourself if not me, who? If not now, when?” (Watson, 2014).

Chivalry operates outside the interpersonal sphere in which men have traditionally given up their seats in buses, whereby governments are now providing seats for women in legislative assemblies and in boardrooms via quotas. Similarly the act of a man opening a door for a woman

is now enacted by governments who open doors for women into universities and workforces via the practice of affirmative action (Wright, 2017). Indeed chivalry has arguably been exploited to meet objectives of women's empowerment since at least the time of Bax, who in the year 1887 contended that "It is all very well to say they [feminists] repudiate chivalry. They are ready enough to invoke it politically when they want to get a law passed in their favour – while socially, to my certain knowledge, many of them claim it as a right every whit as much as ordinary women." (Bax, 1887, p. 114-121).

### **NEGATIVE HEALTH OUTCOMES FOR MEN AND BOYS**

Men and boys who enact chivalric masculinity may pay a considerable price in the process, psychologically, socially or physically. Romantic chivalry emphasizes protection of women (Dictionary Y, 2018), thus men are placed in danger of being injured, maimed or killed when "intervening" in difficult situations such as those evoked by the White Ribbon initiatives, or while working in the male dominated professions of military, police, and firefighters for whom acts of benevolent sexism are celebrated.

The masculine norm of stoicism (Murray, *et al.*, 2008) involving the repression of emotion and the cultivation of indifference to pleasure or pain serves maintain men's chivalric focus on women's assumed need for support, protection and male deference. Conversely, if a man or boy becomes focused on his own emotions, pain, pleasure or needs, he risks being viewed as a poor protector and provider (i.e. less chivalrous), which will be likely met with social shaming if not outright violence as modes of punishing transgressions and encouraging compliance.

The gendered morality of chivalry dictates that men and boys receive less compassion and assistance than their female counterparts (Eagly & Crowley, 1986), are more likely to be viewed as suitable targets for infliction of violence, pain and other harm (Feldman-Hall, *et al.*, 2016), are more likely to receive harsher legal penalties than women for offenses (Curry, *et al.*, 2004), and conversely perpetrators of crime *against* males are more likely to receive lenient sentences as compared to those who perpetrate crimes against women who receive the longest sentences (Curry, *et al.*, 2004). Males who suffer disability or mental illness are more often stigmatized and treated with less 'chivalric' compassion or positivity than their female counterparts (Whitley, *et al.*, 2015). The differential gender outcomes in these examples demonstrate that romantic chivalry fosters a 'sympathy-deficit' toward males and their issues, and a conversely heightened

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concern for women's issues. This gender-preferential bias has been referred to as *gynosympathy* (Wright, 2016), a practice that negatively impacts men's willingness to seek help and assistance when needed (Eagly & Crowley, 1986).

The employment of traditional sex-role strategies (inclusive of stoicism and chivalry) increase the likelihood of male depression (Addis, 2008; Batty, 2006, Liljegren, 2010, Oliffe, & Phillips, 2008), anxiety, stress, and poorer health behaviors (Eisler, *et.al.*, 1998), suicide (Houle, *et.al.*, 2008), and accidental death (Stillion & McDowell, 2002), however the precise degree to which chivalry contributes to these outcomes requires further research.

### **SUMMARY AND CONCLUSION**

The chivalry surveyed in this essay is both sexist and gynocentric in nature, one that demands men provide numerous psychological gratifications and material benefits to recipient women. Enactment of chivalric behaviours may also provide secondary benefits for men and boys, such as increased social/peer approval and greater access to female romantic partners (Hammond, *et.al.*, 2014). The chivalric role offers heterosexual men a life-map to guide their social behaviour while providing a sense of self based on service to women. This in contrast to socially disapproved identities such as 'unchivalrous' males, voluntarily confirmed bachelors (Holland, 1959), or alternatively to gay or transgender men whose identities are not built on service to women (Polimeni, *et.al.*, 2000; Nagoshi, *et.al.*, 2008).

Men adhering to chivalric behaviour are rewarded with social valorization, and in the more extreme examples are praised as selfless "heroes" for which medals are awarded by mainstream social institutions. On the negative side of the equation there may be a lack of recognition for ongoing sacrifices – chivalry as rote expectation, an assigned role, codified and reinforced with shame. In both adhering, and in failing to adhere to the dictates of romantic chivalry, the cumulative psychosocial burden on men may be considerable – including negative mental and physical health impacts as outlined above.

In an age of equality one might ask what continuing relevance has romantic chivalry? If we follow the definition of chivalry in the Cambridge Dictionary as a "very polite, honest, and kind behaviour," is it still necessary to add the usual adjunct "...especially by men toward women"? Omission of the gendered framing shifts the emphasis toward extending a universal politeness,

honesty, and kindness toward all peoples, reviving the older sense of chivalry from which romantic chivalry originally diverged to become the dominant or “bastardized” meaning.

Such an amendment would free men and boys to discover a variety of non-gynocentric masculinities, and revive the notion of ‘common courtesy’ as a basis for reciprocal service and devotion between men and women. Mainstream commenters occasionally pay lip service to the idea of de-genderizing chivalry (Waldman, 2013), but until such time as that sentiment is actualized in popular culture we might conclude with a rephrasing of Emma Watson’s HeForShe proposition and ask, “I am inviting you to step forward, to be seen to speak up, to be the “we” for “all.” And to ask yourself if not me, who? If not now, when?”

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## THE NEW DEFINITION OF RAPE: WHEN WOMEN ASSAULT MEN

*Philip W. Cook*



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### ABSTRACT

*This paper presents an examination of adult male rape by adult females. Case examples are given, as is an analysis of crime statistics and other sources detailing the phenomena and its rarity or prevalence. The relatively new federal definition of rape is also examined as is the implications for the change in the legal field and in society at large. Portions of this article originally appeared in the book *When Women Sexually Abuse Men: The Hidden Side of Rape, Stalking, Harassment, and Sexual Assault* (Praeger, 2013) by Philip W. Cook, with Tammy Hodo, PhD.*

**Keywords:** rape, sexual assault, male victims, female perpetrators

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## RAPE AND TORTURE IN SPOKANE

Prosecuting attorney Jon Love had a problem, and it was not a lack of evidence. In fact, in his years as a prosecutor and on the other side, as a criminal defense attorney, he had never had a rape case in which there was more evidence than this one. There was a ton of forensic evidence from the crime scene and on the victim's body; there was an eyewitness who turned on the accomplice and, a very rare thing in a rape case—there were neighbors who had actually seen abusive behavior by the defendant prior to the actual rape. The defendant was unrepentant and unsympathetic. And there were horrifying pictures of the victim's injuries that would turn the heart of even the coldest juror.

Jon Love should have been the most confident of prosecutors, but he was not. The reason Love was worried the jury would not convict was because the rape victim was a man and the rapist was a woman. As many as five of the original panel of jurors in this medium-sized City, had said in jury seating questioning that they did not believe a rape could be possible or proved.

It was almost enough to make him wish there had not been a rookie cop on duty the night the victim was discovered nearly a year earlier. But, the rookie bent down to actually listen when the man mumbled something about not being able to move fast because of the burns.

The mumbling man was Ron Varga. He was 41 years old, childless, a highway toll booth collector in New Jersey. He had been living for six years with his 36-year-old common-law wife, Diane Eunice Ickhoff. Ron and Diane had become close friends with Theresa Spickler-Bowe, a woman about their age. Diane and Theresa became particularly close, so when Theresa decided to move to Spokane, Washington, Diane told Ron she was leaving him to go with Theresa. He could not convince Diane to stay, so he decided to move to Spokane with her.

From the very beginning, Theresa told them that she would not tolerate them “mooching” on her, and that Ron or Diane had to go to work immediately to pay their share of the rent and expenses. Theresa told Diane that she had to make Ron obey her and “act right,” and that she would help her see that this happened.



Ron went to work for a temporary agency that handled mostly manual labor. The work was tough, especially as he is slight of build (only 130 pounds and five feet, eight inches). Diane is a very petite woman, 115 pounds, while Theresa, though not much taller than Diane's five feet, five inches, was big boned and large, at about 250 pounds. Theresa began a campaign of disparaging anything that Ron did, and she began to train Diane in how to "take care of him." Ron was to sleep on the uncarpeted kitchen floor. At first, he had a sleeping bag, but after a month, he was allowed only blankets. By about the end of the year, he was sleeping only in his underwear or naked, directly on the bare floor. His food intake began to be controlled. When he came home from work, Diane would chain him to her waist. He was not to move unless directed by Theresa or Diane. Any small transgression was a reason for a beating; sometimes, both women jumped on his legs. He was allowed only cold showers. His bathroom privileges were restricted. He was made to wear only a homemade diaper. If he could not hold his urine or bowel movement and soiled his diaper, the women began to burn him for this violation of the "rules." At first, a butter knife was heated up with hot water and applied to his chest. Later, they heated it up on the stove burner and applied it all over his body, including his buttocks. They also heated up a large flat metal spatula and burned him with that.

Ron was made to hold a rake handle over his head for long periods of time as punishment. On at least one occasion, when he could no longer hold it up, Diane and Theresa took it from him and made him bend over, and then rammed the rake handle violently up his anus causing internal lacerations. After one of the rapes with the rake handle (investigators were never sure just how many times it happened) around the first of January, Ron Varga was forced by Diane and Theresa to drink a large quantity of alcohol. He was bleeding from blows around his head. By now, he weighed just 116 pounds. Prosecuting attorney Patti Conally-Walker described him as looking like someone from a concentration camp. In a sense, he was—the gulag of Diane and Theresa. After being force-fed the alcohol, the women ejected him from the apartment. It was late at night and having nowhere to go, he walked a few miles to an alcohol treatment center called First Steps. He fell asleep on a couch. Because First Steps is a drop-in-only center with no sleeping accommodations, visitors are not permitted to sleep there. The staff tried to get him up, but could not rouse him. They called police.

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Perhaps for the first time in his life, Ron Varga was lucky that night. A rookie cop happened to be one of the responding officers. The veteran officer paired with the rookie told prosecutors that he probably would not have taken the time that the rookie did. The rookie, though, began to ask Ron questions; he thought he might be injured. Ron was unable to get up off the couch without assistance. He mumbled something about the burns as reason he could not move quickly. The two responding officers took him to the emergency room. Ron had a broken nose, broken ribs, and frostbite, was covered with burns and bruises, and had sustained severe damage to his rectal area. At the eventual trial of Theresa Spickler-Bowe, the doctor who examined Ron in the emergency room was asked by prosecutor Patti Connolly-Walker to diagram, on a body chart, the areas of injury. The head of emergency medicine told the court, “It would be easier to diagram the areas not injured.”

Diane quickly agreed to cooperate with prosecutors to make a case against Theresa. Prosecutors told her they would recommend to the judge an “exceptional” sentence of 12 years for first-degree rape and second-degree assault for cooperating, but if Diane did not plead guilty and cooperate in the case against Theresa, and she was convicted at trial, she could receive a sentence of 20 years. Diane’s sentence hearing was held after Theresa’s trial. Judge Gergory Sypolt, however, did not buy Diane’s tearful story that Theresa made her torture and rape Ron. He ignored the prosecutors’ recommendation for 12 years for both crimes. She was given 10 years and 5 months in prison for first-degree rape and an additional 10 years for second-degree assault.

Diane’s sentencing was in the future, however, and meanwhile, they had her cooperation against Theresa. Theresa Spikler-Bowe vehemently claimed that Diane did everything and that Theresa herself was not much involved. Prosecutors Jon Love and Patti Connolly-Walker began to question potential jurors in June. Love was not worried about the forensic evidence. They had the rake handle with traces of feces and a human hair still on it. They had the horrifying pictures of Ron Varga’s condition and the medical records and doctors’ testimony. They had the chain used to tie him up. Love and Walker’s biggest problems was with the victim and their concern about sexism on the jury. Ron Varga could not remember much. He did not recall details and had apparently blocked nearly everything out. He was not very clear on who had done what and when, except that both women had



done things to him. In the back of Love's mind, however, was the concern about jury member's belief that a man could never be raped. The women felt that a man could always escape a situation, whereas a woman would not be able to, because of economic circumstances and submissive behavior. Men just are not that way, it does not happen, could not happen, according to their statements.

At trial, though, Love got a big gift from the defense. Theresa testified. She was unbelievable and unsympathetic and clearly of a domineering A-type, as Love hoped he could get her to reveal. The tears flowed, but it did her no good. The evidence was overwhelming and the vote was unanimous for conviction on both counts. Theresa Spickler-Bowe was sentenced in 1997 to 10 years on both counts of first-degree rape and second-degree assault. Because Judge Sypolt refused to accept the plea bargain, Diane and Theresa ended up with the same sentence—20 years in prison. After the verdict, there were a few calls from the national news media and television productions, but as far as Love can determine, nothing came of them. The news media in Spokane gave heavy coverage to the case, and the news media in Seattle covered some developments, such as the arrest and the verdict, but it was mainly ignored by the news media elsewhere—even in the neighboring state of Oregon (Jon Love and Patti Connolly-Walker, personal communication, 2010).

In one sense, this particular case fits the narrow parameters of how male rape by an adult woman could occur as an extremely rare incident, with the use of an object or objects.

## **NOT SO RARE?**

Former prosecutor Love, however, has an entirely different view. He does not think it is that rare at all:

*There have been many cases that I am aware of in [in Seattle where he formerly worked] in which the police suspected and told me that there was something more going on. That while they were investigating a domestic violence case in which the woman had been the primary assaulter they suspected that the man had been sexually abused as well. They would find evidence, feces on a dildo or other object and question the man about it, but he would never admit it. He would hang his head, and just not talk about it. It was difficult enough to get them to admit that they were being physically attacked by a woman, but to get them to say that they were sexually abused as well . . . that's just too emasculating . . . they can't do it (J.*



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*Love, personal communication, 2010).*

Love recalls the case of a biker couple.

*I was the public defender for her. I am sorry to say that I did my job and got her off, because the jury believed that he had consented once to rough sex and so when he objected to another time it didn't matter. That was rape, but she wasn't charged with rape, but assault. It happens. Men can be raped, have been raped, we just don't hear about it" (J. Love, personal communication, 2010).*

The late (2011) Patricia Overberg was the former executive director of the Valley Oasis Shelter in Lancaster, California. For many years, it was the only shelter in the United States that accepted male victims of domestic violence. She has little doubt that in intimate partner relationships, men can be, and have been, raped by adult women. Stranger rapes are less common she believes, but it does happen.

*I know of one case for example, a man was hitchhiking in California and he was picked up by two women in a van. They pulled over, held him down, and though he did not want to, stimulated him to an erection, and had sex with him. He didn't want to have sex with them; he was forced to—that's rape (P. Overberg, interview with the author, 2009)*

In the *Archives of Sexual Behavior*, pioneering medical researchers Philip Sarrell, and William H. Masters (1982) flatly state the case for arousal even in terrifying situations—"The belief that it is impossible for males to respond sexually when subjected to sexual molestation by women is contradicted. Previous research indicating that male sexual response can occur in a variety of emotional states, including anger and terror, are corroborated." So, what are the facts? Does it really happen, and how often?

## THE DATA

Prior to 1982, according to Sarrell and Masters (1982), no research had ever been conducted, asking men if they had been the victims of sexual assault by women. We now turn to national crime statistics, and things get a bit murky. According to the 1997 National Crime Victimization Survey (NCVS), 9 percent of the victims of rape and sexual assault are male. These figures do, however, include males who raped other males. Digging a little deeper into the Justice Department survey figures, we find that females committed 2 percent of all single-

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offender rapes and sexual assaults, and 6 percent of all multiple-offender rapes and sexual assaults. This still does not tell us, though, how many and what percentage were adult female-to-adult male cases nor how many were female against female. Furthermore, the NCVS, though quite large, at 50,000 households, is much like the census. It is not confidential. It goes to households, not individuals. It asks questions about all types of crime, burglary, and so on.

We can now look to a different kind of crime reporting, from the Bureau of Justice — The National Incident-Based Reporting System (NIBRS). Rather than relying on a narrow group of 8 Index offenses, which are meant to convey the overall crime situation, NIBRS collects information on 57 types of crimes. The Uniform Crime Report (UCR) is a measure of reported crimes by law enforcement agencies; thus, it is quite different from the Justice Department's general population survey. The results were somewhat surprising—About 10 percent of the rapes in the initial three states measured, did not conform to the UCR (U.S. Department of Justice, July, 2000) definition of forcible rape—as the victims were male (8.7% of rapes), the victim and offender were both female (0.8%), or the victim was male and the offender was female (0.2%).

A further analysis of the new system of crime reporting (U.S. Department of Justice, July, 2000), found an increase in the number of males being raped—up to 14 percent of the total instead of just 10 percent—“Nearly all of the offenders in sexual assaults reported to law enforcement were male (96%). Female offenders were most common in assaults against victims under age 6. ... Overall, 6% of the offenders who sexually assaulted juveniles were female compared with just 1% of the female offenders who sexually assaulted adults.”

We can now turn to other types of instruments that measure this type of crime; these include surveys that are confidential and focus on a particular area, rather than all types of crime. About three percent of American men—a total of 2.78 million men—have experienced an attempted or completed rape in their lifetime according to the U. S. Department of Justice, Violence Against Women Survey (2000). In addition, data from the same source indicate that, “Using a definition of rape that includes completed or attempted [emphasis added] forced vaginal, oral and anal sex, the survey found 7.7 percent of surveyed women and 0.3 percent of surveyed men being raped by a current or former intimate partner at some time in their lifetime.” However, this Violence Against Women Survey only measured intimate partner

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violence, stranger rapes were not measured.

Writing in the journal *Sex Roles: A Journal of Research*, authors Nathan W. Pino and Robert F. Meir (1999) sum up the current thinking on this issue:

*Male victims may experience being raped as even more humiliating than female victims. As with female victims (Adler, 1992; Groth and Burgess, 1980), the emotional trauma experienced by raped males can generate confusion and inhibit reporting. ... Because reports of male rape are statistically rare male victims experience the additional trauma of making it difficult to identify with other male victims. Research has also shown that males are more likely to be victims of multiple assailants, to sustain more physical trauma, and to be held captive longer than female victims (Kaufman et al., 1980). ... As in nonsexual areas of their lives, men are generally expected to defend themselves against threats (Finklehor, 1984, pp. 156–157). ... For these reasons, there may be substantial risk to the male rape victim's self-concept in reporting this crime.*

Another study in this journal by Muehlenhard and Cook (1988) reported that actual physical violence used by women against men to force sexual intercourse was reported half as frequently: Female against Male: 1.4% and male against Female: 2.7%. If this study is accurate, can we safely say that slightly more than 1 percent of men over a lifetime have been raped by a woman?

A University of South Dakota survey of 268 men (Anderson & Johnson, 1998) found that 16 percent reported at least one incident of a forced sexual experience in their lifetime. Men in this study were actually somewhat more likely than women to say they had forced sex while on a date. Ten percent were physically forced to have intercourse with the perpetrator. The study is a little unclear, but the article indicates that these perpetrators were women rather than men. Looking at the numbers, rather than the percentages in the survey, 21 men out of the 268 reported physically forced intercourse. The above-mentioned Muehlenhard and Cook (1998) college survey of 507 males found that 2.2 percent had been the victims of violent sexual physical coercion. Does this mean that somewhere between 2 percent and 10 percent of college-age men have been raped by women? Although nearly 1,000 college-age men were surveyed in these two studies, such a blanket statement seems premature. More research is needed, with specific questions about the type of attack and what kinds of force were used.

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We do have some confirmation from a much larger survey of nearly 2,500 men with the median age of 40 (Coxell, King, Mezey, & Gordon, 1999). Of these, 3 percent reported having nonconsensual sex as an adult. About half reported that the nonconsensual sex was with a woman. Since this apparently is the largest survey ever done of adult men about nonconsensual sex and not limited just to college-age respondents, we should take a close look at the results of this study. Since nearly 1.5 percent of the men over a lifetime reported nonconsensual sex with an adult woman, does that mean that they were raped? It depends, once again, on how rape is defined. The researchers listed a number of choices for the respondents, from having their or the perpetrator's genitals touched to even being made to urinate on the perpetrator. Thirty-two men reported nonconsensual adult sex, with women as the perpetrators. Of these, 1 reported anal penetration, and 14 reported being made to have intercourse. To put it another way, this large survey found that, over a lifetime, less than 1 percent of men report forced anal or vaginal intercourse with an adult woman. Interestingly, there was a slightly higher number of men who reported any nonconsensual adult sex if the researcher was a male, even though the actual answers were recorded in private.

Using a strict definition of rape as forced vaginal or anal intercourse, however, the truth is that despite a careful review of the available research, we cannot say with certainty just how often it occurs. A review of Coxell et al. (1999) enables the following speculation: A conservative estimate is that over an average lifetime, at least 1 percent of adult men have been rape victims of adult women. Considering the likelihood of under-reporting either to law enforcement, counselors, or researchers, the percentage could be as high as 5 percent. Given the population in the United States of adult men, this means that approximately 585,000 to 2,929,663 are the victims of vaginal or anal rape by adult women over a lifetime. On an annual basis, between 5,859 and 146,483 adult women rape adult men. This may be a startling figure to some, but notice how rape is defined, as “forced penetration.”

## **THE NEW DEFINITION OF RAPE**

Three events took place in 2011 that will likely change the sexual landscape in the United States. Black, Basile, Breiding, Smith, Waters, Merrick, Chen, & Stevens (2010) offer a useful summary of these events. In April the U.S. Department of Education issued a directive to all institutions of higher learning that receive any type of federal funds. “[I]n order for a school’s

grievance procedures to be consistent with Title IX standards, the school must (emphasis added) use a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred).” The second event, in October, was even more groundbreaking: the Federal Bureau of Investigation (FBI) changed the definition of what rape is. The previous definition had been in place for 80 years—“The carnal knowledge of a female forcibly and against her will.” The U.S. Justice Department and the FBI, under the direction of the Uniform Crime Report Subcommittee, has changed that definition to—“Penetration, no matter how slight, (emphasis added) of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim (emphasis added).” The third event occurred in November: the release of the Centers for Disease Control and Prevention, National Intimate Partner and Sexual Violence Survey. This survey also created a new definition of rape by the federal government—not only forced or attempted forced penetration, but also “alcohol/drug facilitated completed penetration.” Thus, the Centers for Disease Control and Prevention (CDC) declared: “Nearly 1 in 5 women (18.3%) and 1 in 71 men (1.4%) in the United States have been raped at some time in their lives, including completed forced penetration, attempted forced penetration, or alcohol/drug facilitated completed penetration.” The report made front-page news across the country and the details, as usual, were left in the dust, with most headlines carrying the news that one in five women have been raped.

## **CRITICISM AND ANALYSIS OF THE CDC SURVEY**

The following contains part of a letter sent and prepared by *Stop Abusive and Violent Environments* (January, 2012) (at the time, I was a board member of this organization, so it was delivered under my signature, but I am no longer with this group) to Dr. Linda C. DeGutis, the Centers for Disease Control director in charge of this survey. Space limitations here prevent presenting the full letter and the complete CDC response. The complete list of questions and responses is contained in our book *When Women Sexually Abuse Men* (Cook & Hodo, 2013). I was surprised and pleased that there was a response at all. The letter contended, “In a time of shrinking social services, it is critical that true victims of rape receive priority for services and support. By defining rape broadly, the publicity surrounding the NISVS may lead to an increase in the number of persons inappropriately claiming to be victims of rape, thus diverting essential services from the real victims.” The SAVE letter contended, In . . .

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important ways, the NISVS undercounts the number of male victims.

Dr. DeGutis responded on February 12:

*You also raise the issue of potential bias from the wording of the question for men in terms of being “made to” penetrate someone else creating consideration of coercion that does not exist for women. Adding the “made to” language for women has merit [emphasis added] and will be taken into consideration as we refine the instrument for future years of data collection. You also point out that NISVS measure of made to penetrate does not include a measure of unwanted physical stimulation to the point of arousal. This type of abusive sexual contact is captured in NISVS as unwanted sexual contact rather than made to penetrate, but, we continue to consider additions and modifications to further improve on our data collection and may consider [emphasis added] making this kind of victimization more clearly specified.*

It should also be noted that the definition does not include “envelopment” but only “penetration.”

The CDC survey report (Black et al., 2010) contains this statement on page 83: “[W]omen are heavily affected by sexual violence, stalking and intimate partner violence.” The SAVE letter contended that “This statement is one-sided, misleading, and false, since the NISVS demonstrates men are more ‘heavily affected’ by physical violence, coercive violence, and reproductive control than women.” Dr. DeGutis flatly rejected this contention: “The statement that women are more heavily affected by these issues refers to the differences observed in the forms, severity and impact of violence for women and is accurate.” What evidence is there to support the contention that one sex is more heavily affected than the other by violence, either sexual violence or other forms of violence? The variable is the extent, nature, and consequences of such violence, and that is connected more concretely to individual circumstances rather than gender. To put it in another context, did Ron Varga of Spokane suffer less than a woman would have, under the same set of circumstances?

The reader may recall that men were somewhat more revealing about nonconsensual sex experiences in Coxell, A. et al. (1999) when the interviewer was male, compared to female interviewers. Thus, either the CDC was not aware of this research or if aware, chose to ignore it. We will not assume that this is simply a case of verifiable sexism in choosing only female



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interviewers, despite the hiring bias. There is some evidence to suggest that, in a telephone interview survey, people are more likely to respond and complete a survey if only female interviewers are used. This is perhaps why the CDC chose only females, and indeed, they indicated this is the reason they chose this methodology. However, answering questions about which soap is used, in a typical marketing survey, is far different and perhaps contraindicated in a survey about sexual behaviors. Despite a number of concerns, the CDC report does provide some interesting data for our subject here in terms of sexual assaults.

Nearly 1 out of 10 women in the United States (9.4% or approximately 11.1 million) has been raped by an intimate partner in her lifetime. More specifically, 6.6 percent of women reported completed forced penetration by an intimate partner, 2.5 percent reported attempted forced penetration, and 3.4 percent reported alcohol or drug-facilitated rape. Approximately one in six women (16.9% or nearly 19 million) has experienced sexual violence other than rape by an intimate partner in her lifetime; this includes sexual coercion (9.8%), unwanted sexual contact (6.4%), and noncontact unwanted sexual experiences (7.8%). In the 12 months prior to taking the survey, 0.6 percent or an estimated 686,000 women in the United States indicated that they were raped by an intimate partner, and 2.3 percent or an estimated 2.7 million women experienced other forms of sexual violence by an intimate partner.

Too few men reported rape by an intimate partner to produce reliable prevalence estimates. Approximately 1 in 12 men in the United States (8.0% or approximately 9 million) has experienced sexual violence other than rape by an intimate partner in his lifetime. This includes being made to penetrate an intimate partner (2.2%), sexual coercion (4.2%), unwanted sexual contact (2.6%), and noncontact unwanted sexual experiences (2.7%). In the 12 months prior to taking the survey, 2.5 percent or nearly 2.8 million men experienced sexual violence other than rape by an intimate partner. To Summarize, one in six women and one in twelve men over a lifetime, experienced sexual violence other than rape. The CDC did not however, differentiate between sexual violence initiated by women and that initiated by men against either sex.

## **THE NEW FBI DEFINITION OF RAPE**

The new definition does not change the law immediately, but it likely will. What it does change immediately is the reporting requirements of the law enforcement agencies that send



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information to the Justice Department. This information, in turn, is collated by the department and then makes up the annual Uniform Crime Report. The previous definition, “The carnal knowledge of a female forcibly and against her will,” has deficiencies, of course—male rape by this definition does not exist. What “carnal knowledge” is or is not has been open to legal interpretation by law enforcement agencies and in the courts, which indeed was part of the problem with the old definition. The new definition, “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim,” is much broader. Force is no longer necessary to classify such conduct as rape.

Has she/he had a drink or two of alcohol or used a drug? Then, they are “incapable of consent” even if she/he voluntarily became inebriated.

Los Angeles attorney Marc Angelucci says,

*Think about what the new definition of rape means. Every exploratory hands-on teenager in the back seat of a car or on a sofa in the parents’ basement is now at risk of being branded a rapist. They kiss. His hand touches (“penetration, no matter how slight, of the vagina or anus with any body part”). She does nothing (“without the consent” means he has the burden to get consent; she doesn’t have to express lack of consent). He stops touching. Too late. The hand committed rape and the only question is whether she will press charges. By changing the definition at the FBI data collection level, all jurisdictions will come under pressure to change their underlying statutes to make the crime fit the Federal definition (personal communication, December 11, 2011).*

Angelucci and other attorneys I have contacted remind us that in the FBI definition, the key is “without consent” and alcohol is not even mentioned. This is a huge inversion from “against her will.” “Against her will” indicates a need for her to give some clue that his advances are unwelcome and give her a chance to desist his advances. “Without consent” means that he needs something affirmative from her, and he is a rapist if he does not have that affirmative proof of consent. Does this mean that every sexual event between adults (married or not, as marital rape can also be charged) will now require, as protection against a rape or sexual assault charge, a signed sexual conduct agreement contract?

In an email correspondence, I asked Howard Fradkin, the Director of the leading male

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sexual victim organization, *MaleSurvivor*, what he thought of the big change; he observed:

*Our major concern is that the definition was limited to females being victims. The new definition definitely makes it possible for the definition to include male rape and sexual assault victims, which is a major step forward....I believe if someone is drunk or drugged, whether by their own choosing or not, in my mind they are not capable of giving consent. I see it as a major shift in government policy and as a strong message to our society that it is time to start protecting people who are unable to protect themselves. And it is time for men and women who are being sexual to be held accountable and responsible for healthy sexual behaviors that respect the rights of the partners and the need to give consent as a part of those experiences (personal communication, December 12, 2011).*

Ken Folowell, President of *MaleSurvivor*, agrees: “Although definitions used for reporting purposes such as this do not limit investigation of sexual assault, it is important to acknowledge the reality that rape victimization and perpetration are not limited by gender. This removal of gender bias from the FBI’s rape definition will help men who have been raped” (personal communication, December 12, 2011).

In January 2012, the Justice Department held a conference call regarding their new definition. Organized in part by that department and also held under the auspices of the White House Council for Women (there was, and still is, no White House Council for Men). In the call which I listened in on (comments or participation by non-invited guests were limited to only email questions), it was proudly noted by several participants that “many victim advocate groups” were solicited for their views on the definition, prior to it being ratified. *MaleSurvivor* must be considered one of the leading anti-rape/sexual assault organizations for men. Dr. Fradkin’s statement is telling: “No one contacted us directly prior to the committee’s report to the director” (personal communication, December 12, 2011). Present on the call however, as an honored guest, and acknowledged by others as a leading instigator of this change was a representative of Feminist Majority. This organization heralded the change with a press release (Tarant, F., January 6, 2012), announcing

*Feminist Majority Foundation Celebrates FBI Approval of New Rape Definition—FBI Director’s Action Follows Extensive Campaign By Women’s Rights Supporters. “Updating the FBI Uniform Crime Report definition of rape is a big win for women,” said Eleanor Smeal, president of Feminist Majority Foundation. ...The White House today announced*



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*that FBI Director Robert Mueller has approved the change recommended by several committees of the FBI's Criminal Justice Information Service.*

## **CONSEQUENCES**

Werner Kierski (2002) found that it is often the case that psychologists and counselors fail to provide help to either female sexual abusers or male victims:

*The issue is that female perpetrators of violence and their victims seldom receive proper help. Therefore cycles of violence and pain tend to remain unbroken: suffering and pain perpetuate themselves and trauma begets trauma. Organizers of the US based campaign to break the silence around sexual abuse of daughters by their mothers (Making Daughters Safe Again MDSA) say that mothers are capable of the same range of violence, hate and autonomous behavior as other human beings. What is even more consternating is that although 81% of these victims are in therapy, only 3% have sufficient confidence in their psychotherapists to tell them about the abuse. Female sex offenders have lower rates in seeking help than male sex offenders. This again is a reflection of where the profession stands in relation to the problem.*

It is not the focus of this article to deal in detail with the sexual abuse of children by men or women; it should be noted, however, that if we are concerned with the prevention of rape, one study (Petrovich, M. & Templar, D., 1984) found that as many as 60 percent of adult male rapists in the sample had been sexually molested during childhood by females, that in about 70 percent of the cases, the molesting person did so on more than one occasion, and that about 15 percent of male rapists had been molested during childhood by two or more females. Furthermore, this study found that in contrast to male molesters, where the preponderance of cases involved fondling or looking at the victim, female molesters were more than twice as likely as males to engage in actual penetration, cunnilingus, or fellatio.

## **THE LAW**

Isely and Gehrenbeck-Shim (1997) note that sodomy has been added to some state laws under the rape statute. Sodomy indicates that something, not necessarily a penis, penetrated the male victim's rectum. They report one incident where a male was raped by a woman, and upon calling a rape-crisis hotline and asking for assistance, the counselor told him that males could not be raped and then hung up on him. The incident does show that male rape victims



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may frequently be mistreated by a system that is used to dealing only with female rape victims. Douglas and Hines (2011) have found that male victims of intimate partner violence are treated harshly by established domestic violence service providers, and many of these are co-associated with rape-crisis lines as well. Thus, the male victim has very few places to turn to seek help. Help that is not available to males, but is available to women means that encouragement or assistance in reporting to police and prosecutors is less likely to occur.

## **GENDER BIAS IN SENTENCING**

The sentencing disparity when a woman is prosecuted compared to sentences handed down for men is well documented by the Bureau of Justice Statistics and by other analysis. Women receive less prison time than men for all types of crime. The disparity in sentencing increases as the charges become more serious. Typical of such analysis is this one from the journal, *Women in Criminal Justice*:

*Selective chivalry predicts that decision makers extend chivalry disproportionately to white females. Differential discretion suggests that disparity is most likely in informal decisions such as charge reduction rather than in formal decisions at final sentencing. Data for the analysis derived from 9,966 felony theft cases and 18,176 felony assault cases disposed in California. Gender disparity was evident in findings that females with no prior record were more likely than similar males to receive charge reductions, and this enhanced females' chances for probation. (Famworth, M., & Teske, R., 1995)*

This study uses data on offenders convicted of felonies in Chicago, Miami, and Kansas City to address this issue. The authors find no evidence to support the 'gender neutrality' hypothesis. In all three jurisdictions, women face significantly lower odds of incarceration than do men. Spohn & Bichner (2000) reveal that the effect of race is conditioned by gender but the effect of gender, with only one exception, is not conditioned by race; harsher treatment of racial minorities is confined to men but more lenient treatment of women is found for both racial minorities and Whites."

There is some limited analysis of whether or not gender bias in favor of women also exists when it comes to sexual assaults, which was examined in the journal *Feminist and* extends to criminal sex offenders. Embry & Lyons (2012) conclude that there is significant sentencing bias:

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*National Corrections Reporting Program data are used to identify sex offenders for the years 1994 to 2004 and the sentences they received for specific sex offenses. The evil woman hypothesis would assume women are sentenced more harshly, but data show men receive longer sentences for sex offenses than women. Support is provided for the chivalry hypothesis to explain immediate sentencing disparity.*

## **THE WAR ON MEN**

It may not seem germane at first glance to include here a brief discussion of the use of rape as tactic in war. Certainly, it has been used by combatants against women, but it has also been used against men and while information is difficult to obtain, there is a body of evidence that in warring African nations, currently, more men suffer from rape than do women. For our purposes here, however, it is instructive to note how the international community intentionally and deliberately ignores male rape. The investigative reporting of Will Storr in the UK's Observer and Guardian serves as an instructive guide. Storr (2011) describes his visit to Uganda and other parts of war-torn Africa. He examined the research of Lara Stemple of the University of California's Health and Human Rights Law Project. She found many cases of sexual violence used against males all over the world. She also found systematic and intentional neglect of such victims by NonGovernmental Organizations (NGOs) and international aid groups. Stemple reviewed more than 4,000 organizations that address sexual violence in wartime and found that only 3 percent even mentioned men as a concern of such violence, and even then, only as a small reference. (In Kampala, Uganda, the Refuge Law Project (RLP) British director, is Dr. Chris Dolan).

*Stemple's findings on the failure of aid agencies are no surprise to Dolan. "The organizations working on sexual and gender-based violence don't talk about it," he says. "It's systematically silenced." As part of an attempt to correct this, the RLP produced a documentary in 2010 called Gender Against Men. When it was screened, Dolan says that attempts were made to stop him. "Were these attempts by people in well-known, international aid agencies?" I ask. "Yes," he replies [...] There's a fear among them that this is a zero-sum game; that there's a pre-defined cake and if you start talking about men, you're going to somehow eat a chunk of this cake that's taken them a long time to bake." When I contact Stemple by email, she describes a "constant drum beat that women are the rape victims" and a milieu in which men are treated as a "monolithic perpetrator class.*

*International human rights law leaves out men in nearly all instruments designed to address sexual violence,” she continues. “The UN Security Council Resolution 1325 in 2000 treats wartime sexual violence as something that only impacts on women and girls. Ignoring male rape not only neglects men, it also harms women by reinforcing a viewpoint that equates ‘female’ with ‘victim’, thus hampering our ability to see women as strong and empowered. In the same way, silence about male victims reinforces unhealthy expectations about men and their supposed invulnerability.”*

The intentional and deliberate silence enforced by international aid agencies in this area is, unfortunately, no surprise. Stemple’s comments are on point in our particular discussion here of adult female rape of adult men. The neglect of male rape victims in all its various permutations is perhaps particularly pernicious when it comes to prison rape or war rape, but the effects of that neglect are the same when it comes to male victims of female rape and other forms of this type of crime.

The increased willingness of prosecutors in recent years to make cases against adult females who abuse boys may mean that we will see increased prosecutions against adult women for sexual assaults against adult men, though, despite the discussions noted in this paper, a charge of rape is likely to remain rare.

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## SOWING THE WIND, REAPING THE WHIRLWIND: IDENTITY POLITICS, IDEOLOGY AND THE CONTAGION OF HATRED

*Paul Nathanson*



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### **ABSTRACT**

*Although the mass murder at a Pittsburgh synagogue was quickly overtaken in the news by mid-term elections, early journalistic responses to it suggest that many pundits see some events (such as hostility toward Jews) as evidence of hatred (along with other forms of racism, for instance, and misogyny). But the pundits say little or nothing about the link between those phenomena and others (such as misandry) that are more common among themselves and, presumably, their viewers. This essay is an attempt to classify all forms of hostility between groups—including those that characterize identity politics—as forms of hatred. It does so by proposing a working definition of “hatred,” distinguishing that collective and cultural phenomenon from private and personal phenomena (such as anger). Abstract text...*

**Keywords:** Anger; hatred; misandry; misogyny; identity politics, American Psychological Association;, anti-Semitism

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## INTRODUCTION

On 27 October 2018, Robert Bowers opened fire inside the Tree of Life synagogue in Pittsburgh, killing eleven worshippers. This was a horrific event, though by no means the only one of its kind in recent years, and immediately became the topic of yet another “national conversation” about “ancient hatreds.” And yet public response (which diminished quickly due to the mid-term elections) has been misguided due to its narrow scope. Consider the factors most often cited. Hateful speech, I keep hearing, leads to hateful acts such as mass murder. That does happen sometimes, but it does not always happen. In fact, it seldom happens. Otherwise, it would not be news when it does happen. Some additional factor, such as personal psychopathology, is almost always involved. Another factor, even more frightening, is the rise of anonymous ranting in the echo-chambers that have emerged on “social media.” More and more people at both ends of the political continuum are now saying whatever they want to say, even without hiding behind anonymity, and the result is hardly pretty.

This essay is not primarily about the massacre in Pittsburgh, although that event was dramatic enough, and the prevailing explanations for it were simplistic enough, to provoke a written essay in response. A great deal has been written over the centuries about both religious anti-Judaism and racial anti-Semitism, and I see no point in summarizing it here. I refer to this event in Pittsburgh, therefore, mainly to set the tone and to establish the context for a broader discussion of hatred. My underlying goal is to link the particular and obvious with the general and not-so-obvious.

Of particular concern to me here, professionally, is not hatred toward Jews but both hatred in general and hatred toward men in particular. Everyone knows that hatred underlies the targeting of Jews for abuse, or worse, and that doing so is morally unacceptable (except to those who try to disguise anti-Semitism with anti-Zionism).<sup>i</sup> Not everyone knows, or cares to admit, that their own hatreds underlie the targeting of some *other* groups for abuse, or worse, is morally unacceptable. This is because not everyone knows, or cares to admit, that hatred is a mentality that knows no boundaries. It takes many forms, depending on what differentiates one historical and cultural context from another, but these forms nonetheless have a common structure. Because I am neither a psychologist nor a sociologist, let alone a neuroscientist, I urge

researchers in those fields and possibly others to test my hypothesis in rigorous studies. Meanwhile, I have divided the very general discussion that follows into several overlapping sections: (1) anti-Semitism; (2) hatred; and (3) misandry.

## **ANTI-SEMITISM**

Most people, at least on CNN,<sup>ii</sup> blamed Pittsburgh on the “toxic” atmosphere that President Trump has adopted and therefore fostered in public life (even though this problem had been growing long before his election). Pundits on both sides of the political continuum have focused almost exclusively on Trump himself ever since the day of his election, either attacking him or defending him with a ferocity that I, living in another country, find hard to understand—no, not to understand but to accept as the public discourse of a healthy democracy. Is there no better way of responding to communal and national tragedies than trying over and over again to prove that Trump either is or is not a satanic participant? At a deeper level, must every event be interpreted as evidence of a cosmic battle between the forces of light and the forces of darkness—which is to say, those of Democrats and those of Republicans? If so, then the nation has already declined beyond recognition.

As a Jew, I can hardly pretend to see the worst anti-Semitic attack in American history from some entirely neutral perspective. Even though I have never experienced anti-Semitism, at least not directly, my parents did—and not in far-away Europe. Though secular, they gave me a good Jewish education. I went to a day school that covered the entire secular curriculum of public schools in half the day and a Jewish curriculum in the other half. The latter included not only prayers and sacred texts but also Jewish history. And that, in turn, included the *sho-ah* (known in English, incorrectly, as the “holocaust”). Moreover, many children in my class had parents or grandparents who had either survived or not survived in Nazi Europe. Even in those days—this was before Jews began to think carefully about the philosophical and theological implications of that nightmare, to commemorate it ceremonially or even to replace Judaism with a secular religion that focuses on Nazi Germany and Israel—we students were aware of anti-Semitism as one thread in the tapestry of Jewish history and Jewish life (though not by any means the most important one). Some people persecuted us for one reason or another, but that gave us no excuse to return their hatred. Not everyone in my classes internalized that message—

plenty of Jews either promote or condone dangerous ideologies—but that was indeed the message that I received while growing up in the 1950s.

Why anti-Semitism? Why now? I do not see its recrudescence as a unique or isolated problem, although many other Jews do. Every form of hatred has its distinctive history, to be sure, and so does anti-Semitism. It is unique, because everything is unique. It is not, however, uniquely unique. If it were, that would turn hatred toward Jews, and only Jews, into some kind of demonic principle or cosmic force. Fortunately, though, that is not the case. This is why we can study anti-Semitism, including the *sho-ah*, according to the established principles of scholarship in fields such history, economics, sociology and psychology—without resorting to either extreme ethnocentrism or the disturbing and ineffective kind of theology known as “theodicy” (trying to explain and even justify God’s apparent indifference or hostility toward us).

In the rest of this essay, I suggest that the recrudescence of anti-Semitism at this particular time and in this particular place is clearly linked to, among other things, the fact that so many *additional* forms of hatred are coming out of the closet simultaneously. Some of these hatreds are generally acknowledged. Others are not, however, because of confusion over what the word “hatred” means.

## **HATRED**

Many people, probably most people, assume that hatred is an *emotion*. Usually, they mean *anger* due to some personal injury or injustice. We all feel angry, of course, and we all dislike the people who make us angry. Feminists have long justified their hostility toward men as morally justifiable “rage” (as if emotions per se require moral justification). At least three recent feminist publications rely explicitly on precisely this approach.<sup>iii</sup> But that definition of hatred very inadequate, because it condones *behaviour* that would otherwise be shocking. Of interest here is what happens on the group level, in any case, not the private or personal level. This in itself takes us beyond the usual understanding of emotion. Also of interest here is the matter of degree. If any form of snobbery or resentment, no matter how trivial, is tantamount to hatred, if any “micro-aggression” amounts to hatred, then how could we live together at all, let alone do so in a democracy?

Jules Isaac, a Jewish observer at the Second Vatican Council, wrote that Christian anti-Judaism amounted to the church's enduring and consistent "teaching of contempt" for Jews.<sup>iv</sup> This led to what I would call the mobilization of resentment against Jews—that is, their persecution. Hatred is what *links* the teaching of contempt, one generation after another, and the politicized mobilization of resentment. Neither religious anti-Judaism nor secular anti-Semitism, in other words, originated in personal hostility or personal feelings of any kind. Both originated in a worldview that people learned explicitly or implicitly in churches, schools and at public events.<sup>v</sup> My point here, though, is very simple: Just as anti-Semitism is one form of racism, racism itself is *one form of hatred*.

Almost everyone knows at least something about the "historic" forms of hatred, the ones that have emerged as right-wing ideologies such as Nazism. Advocates of identity politics use political correctness, among other strategies, to agitate against *those* forms of hatred—notably hatred toward racial minorities, sexual minorities and women—as unacceptable. And those forms of hatred really should be unacceptable. Not everyone knows much about *other* forms of hatred, however, ones that have emerged much more recently as left-wing ideologies. (It is easy, evidently, to forget about the horrors of Communism in other parts of the world.) Very few people in the public square, at any rate, acknowledge this side of the problem. Their lack of awareness is, to put it most charitably, astonishing. How is it possible for so many intelligent and well-meaning people to ignore the hurricane of bigotry and hatred from those who promote left-wing ideologies in ever more extreme and cynical forms? Those who promote identity politics, for example, rely on the questionable belief that people are not primarily individuals at all but representatives of groups, or classes, usually racial or sexual. This is how it works: Some of these groups are inherently good but victimized (which means that they deserve compassion and help); others are inherently evil and oppressive (which means that they deserve nothing but contempt and retribution). This profoundly dualistic mentality on the left, once trivialized and ridiculed as the juvenile ranting of lunatic fringe groups on college campuses, has now gone mainstream. The same mentality on the right, too, has now gone mainstream.

Here, then, is my hypothesis. As my working definition of "hatred," I suggest that it has at least four defining features. (1) It is a *collective* phenomenon, not a personal one. In other words,

hatred is a *culturally propagated worldview* or at least a major part of one, not an expression of feelings. (2) It is an *enduring* phenomenon, not a transient one. (3) It involves *malice*, not merely anger. By “malice,” I mean malevolence, the urge to afflict even at great cost. Hatred motivates one group to make another group suffer, even going out of its way to make that happen physically, psychologically, economically, legally, politically or any other way. With those criteria in mind, I suggest (4) that the ultimate goal of those who promote hatred is *revenge*, not justice (which includes reconciliation).

### **MISANDRY**

Because of my own research and my own personal experience of life, I am particularly worried about identity politics in relation to men and women.<sup>vi</sup> By far the most successful form of identity politics is also the most influential (but not yet the most numerous) branch of feminism. Once a truly egalitarian movement, which promised to liberate women (and even men) from debilitating gender scripts, feminism has morphed into, or at least fostered, an ideological one. This ideology protects but also infantilizes women by removing from them any sense of *accountability* for what they say or do to men. And that covers a lot of ground in this age of #MeToo and #BelieveWomen, as I have already observed in an earlier article for this journal.<sup>vii</sup>

The respectable *Washington Post*, for example, published an op-ed piece by Suzanna Danuta Walters: “Why Can’t We Hate Men?” According to her, women not only “can” and do but should hate men.<sup>viii</sup> She got plenty of flack for indulging in hate speech, sure, but that resulted in no apology from her and no action by the newspaper. The equally respectable *Huffington Post* published not one but two articles by mothers who worry about (but not necessarily for) their own sons in what they consider a relentlessly and implacably misogynistic society. First came Emily McCombs, “I Don’t Know If I Can Raise a Good Man.”<sup>ix</sup> Then came Jody Allard,<sup>x</sup> who defended her similar point of view after many readers had been outraged by “I’m Done Pretending Men are Safe (Even My Sons).”<sup>xi</sup> She wondered very publicly (without fear of arrest for child abuse) how to love her own sons as they grow inevitably into manhood.

The equally respectable *New York Times* has adopted a more sophisticated way of trivializing or demonizing men by hiring its first “gender editor,” feminist Jessica Bennett. As I

understand her own words,<sup>xii</sup> Bennett refers by “gender” primarily to the problems that this cultural system creates for *women*, not men. She sees men primarily as the source of misogyny, not as people who have their own problems that require urgent attention—including some that women cause. To the extent that Bennett even mentions men, it is in connection with college courses that aim to cure male students of “toxic masculinity.” The goal of these courses is to make men more like women and therefore less likely to harm women. And if re-education proves therapeutic for boys and men, too, then that is so much the better. More about that in due course.

Bennett’s explicit goal at the *Times* is to ensure that every page, every article, actively promotes public awareness of misogyny (not misandry) in its “intersectional” context. Her implicit goal, however, is to replace androcentrism (a worldview according to which all of history revolves around men) with *gynocentrism* (a worldview according to which all of history revolves around women). This strategy turns the *Times* into a heavily biased and ideologically driven source of propaganda. I suggest that the effect is as negative for men as it is positive for women and their political allies. Unlike some feminists at less sophisticated organizations, Bennett does find it necessary to make a disclaimer. It is, she says, “absolutely possible to maintain neutrality in reporting on gender issues, as well as to have a *point of view* without being perceived as partisan” (whatever that means).

Journalists are by no means the only people, of course, to institutionalize misandry. I have already written elsewhere in this journal about the effects of #MeToo on both the university and the courts of law.<sup>xiii</sup> Late in 2018, the American Psychological Association published its very first guidelines for the treatment of male patients (having published several years earlier its guidelines for the treatment of female patients.)<sup>xiv</sup> As I (like many others, including professional members of the association) explained in a letter to the APA, **its** guidelines tell therapists in both overtly and covertly political language that “traditional masculinity” is tantamount to a psychological disorder, that “masculinity ideology” is the cause of much harm not only to male patients but also—and possibly more significantly—to women and sexual or other minorities. The correct therapy, the best cure, is therefore to make boys and men as much as possible like girls and women. In effect, that means converting them to feminism (even though the same

organization long ago abandoned conversion therapy for gay people). This is possible, according to the guidelines, because gender (in this case, masculinity) has nothing at all to do with sex (in this case maleness); the problem is not “testosterone poisoning,” therefore, but an oppressive cultural system that creates boys and men who endanger women and other minorities. It creates damaged boys and men, too, because of collateral damage. This last point is surely true, because the version of masculinity that the APA considers “traditional” is an extreme one, but I doubt that this is what motivated the production of these either these guidelines or the ones for treating female patients.<sup>xv</sup>

A pervasive and often overt explanation for the problems of women, in circles that include everyone from journalists and authors to academics and therapists, is some version of the conspiracy theory of history. I am thinking of at least three explicit or implicit beliefs that recur repeatedly in statements from advocates of identity politics, including feminists. (1) Men created and maintain society either to suit themselves or to oppress women—or both. (2) Men are “privileged” by definition and therefore cannot possibly have any serious problems. This entails two corollaries: (a) that women cannot possibly harm men and therefore (b) that society has no need to care about men, (3) Men knowingly or unknowingly support a “rape culture.” This, in turn, entails two corollaries: (a) that men are collectively guilty for evil and (b) that men therefore deserve collective punishment for it. If all those claims were true, then it would make sense—intellectually though not morally—to hate men and actively promote hatred toward men. Those claims are not true; they are theories that rest on no empirically verifiable or falsifiable evidence. Nonetheless, word is out that it is wrong for men to hate women but also, even in mainstream circles, that it is okay for women to hate men. And if hatred is okay for women, of course, then it is okay for many other groups—every other group, in fact, except men (especially those who happen to be white, straight, “cis,” “binary” and so on).

Misandry—my computer’s dictionary fails to recognize that word, although it does recognize “misogyny”—is not ephemeral. On the contrary, it has grown exponentially over the last decade and especially over the last year.<sup>xvi</sup> Misandry is not always subtle. On the contrary, it can be just as coarse and vulgar as misogyny—even in academic circles.<sup>xvii</sup> Misandry is not confined to college campuses. On the contrary, it is pervasive in both popular culture and elite

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culture.<sup>xviii</sup> Misandry, moreover, is not trivial. On the contrary, it has provoked massive legal changes and is poised to overthrow basic legal and moral principles such as the presumption of innocence and the need for due process.<sup>xix</sup> Nonetheless, misandry still passes under the radar of most journalists and public intellectuals, let alone of the public at large. Unlike misogyny, it is not carefully monitored by a vast array of governmental and institutional bureaucracies (which is why some men's groups have resorted to doing so on their own websites). And yet, anyone with eyes to see and ears to hear can find countless blatant examples of misandry in daily life.

Why are people blind to something that they can easily observe in everyday life? Why does it not even occur to them that hatred might be even bigger, deeper and more dangerous than they had imagined it to be? I do not argue that many people actually refuse to see forms of hatred in which they themselves might knowingly or unknowingly participate. That would be a cynical argument, and I deplore cynicism. I argue only that the familiar is often invisible. Misandry has become pervasive enough and therefore familiar enough to be *hidden in plain sight*, which is precisely what feminists have always said about misogyny. (It was only “false consciousness,” an idea borrowed directly from Marxism) that made the needs and problems of women invisible. The solution to that problem, “consciousness raising,” did not succeed overnight. It has taken decades, so far, and no end is in sight due partly to the increasingly radical scope of feminist claims about men's evil.) So, appearances can be deceptive. Look for misandry in countless forms of banal popular entertainment, ordinary ads and commercials, respectable talk shows and news shows, mainstream public debates over high-profile scandals and legal cases. Look for it also, however, in the course outlines of law schools or departments of “gender studies” and the titles of papers that academics present at conferences. Look for it even in the seemingly therapeutic work of psychologists. Under the aegis of postmodernism, a distinctly *non-egalitarian* form of feminism has become the prevailing ideology of every department of the humanities and social sciences. And graduates have spread it to every level of society and region of the country. All of this has happened while our complacent defenders of liberal democracy were asleep at the wheel.

Some people would argue that only right-wing hatred has contaminated public life to the extent of provoking mass murder. Does that leave left-wing hatred off the hook? More

specifically, does it let ideological feminism off the hook? The answer to these questions is not self-evident but should be. The answer is no. Murder, especially mass murder is indeed the worst possible scenario, and left-wingers in our time and place seldom resort to either murder or mass murder (although they certainly did on a colossal scale in Communist countries). In any case, those feminists who hate men—more and more of them, as I say, now proclaim it proudly on their websites, their social-media pages, or in print—seldom feel any *need* to get their hands dirty by actually killing anyone. They are not poor and uneducated. They are not socially or geographically marginalized. Rather, they are privileged—yes, privileged—members of the very sophisticated and powerful elite. To achieve their goals, they need only make allegations against men and mobilize enough resentment against men in general to pass laws that privilege women (not explicitly but implicitly),<sup>xx</sup> because legislators depend on public opinion to get votes. By doing so, they have solved many problems for women but at the cost of creating new ones for both men in particular (including their own sons) and society in general (including women).

To put it briefly though bluntly, ideological feminists have undermined the collective identity of all men through what I call “*identity harassment*,”<sup>xxi</sup> a tsunami of shame that has led directly or indirectly not only to more than a few men dropping out of school but also to more than a few men dropping out of society by killing others or even dropping out of life itself by killing themselves (although the collective identity of men had been a growing problem for centuries and did not emerge suddenly due to the current conflict with women).<sup>xxii</sup> Nothing makes this more obvious than the American Psychology Association’s new guidelines for treating male patients. In addition, those feminists (along with allies who promote identity politics)) have used the #MeToo movement’s profoundly cynical ideology to eviscerate the intellectual, moral and legal foundations of society.<sup>xxiii</sup> The problem that I have identified is not only a therapeutic one for men. It is a moral one of profound importance to everyone.

## CONCLUSION

I return now to my initial questions. How can anyone *not notice* that hatred is coming out of closets *everywhere* on the political and social continuum? How can so many “public intellectuals” gloss over the speed at which campus hatreds have metastasized and gone mainstream? It is not merely a question of whom to blame for this dismal state of affairs. Almost everyone is to blame

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in one way or another: turning aside from it, explaining it away, offering perfunctory excuses for it, overtly condoning it or even demanding it. We will never discourage hatred effectively, I suggest, without recognizing at least four things.

First, hatred is, as I say, a *culturally propagated and often institutionalized worldview*, not a transient emotion. It is not anger toward anyone or any group for personal harm, although it can look deceptively like spontaneous anger.<sup>xxiv</sup>

Second, hatred *cannot easily be contained or confined to one form*. Once this or that form of hatred attains public respectability, as misandry clearly has despite perfunctory denials, it lends intentional or unintentional support to all the others. That's because all forms of hatred, no matter how contradictory on the surface, feed on each other. All reveal a common mentality, for instance, adopt ideological rhetoric and rely, on double standards. What all have in common is not the identity of an oppressor class (although the cynicism and opportunism of identity politics allows coalitions of victim classes against what they consider a common oppressor class) but a pattern of thinking that conflates not only anger with hatred but also justice with revenge. Hatred allows people to marinate in their own self-righteous collective identity and simultaneously undermine the collective identities of their enemies or alleged enemies.

Third, *accountability for promoting hatred encompasses those who ignore it and those who find excuses for it*. After all, those who promote hatred do so in the name of their groups, not merely in their own names. Those who wield hatred—including those who do so in sophisticated, subtle and indirect ways—know very well that they are using a powerful weapon against entire groups of people. And many do not care—not until their targets rebel, as they inevitably do.

Fourth, I suggest that hatred is *inherently evil*, probably the one and only thing that is inherently evil. Some circumstances (such as self-defence) can make it justifiable to kill, but no circumstances can make it right to hate. Unlike anger, which is a natural and universal part of everyone's emotional life, hatred is never good.<sup>xxv</sup> It is never even a necessary evil, the evil means to some good end.

My goal in writing this essay is obviously to make a moral point. My training is in comparative religion, after all, which includes comparative ethics. But I see no reason why scientists and social scientists, male and female, should ignore the moral context in which we all humans live. We live now at what could be a tipping point in relations between the sexes and therefore a turning point in history. Misogyny is both evil and foolish. So is misandry. Those who sow the wind—all of those who promote or condone hatred, no matter what their group identity might be—shall reap the whirlwind.

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- i I do not equate criticism of Israeli policies with anti-Semitism. Anti-Zionism, however, refers to *singling out* the Jewish state for criticism and thus creating a double standard that often amounts to anti-Semitism.
- ii I do not get Fox News, which would almost certainly have taken a different approach to this story, so my only all-day American news service comes from CNN.
- iii See, for example, Rebecca Traister, *Good and Mad: The Revolutionary Power of Women's Anger* (New York: Simon And Schuster, 2018); Soraya Chemaly, *Rage Becomes Her: The Power of Women's Anger* (New York: Atria Books, 2018); and Brittney Cooper, *Eloquent Rage: A Black Feminist Discovers Her Superpower* (New York: St. Martin's Press, 2018).
- iv Jules Isaac, *The Teaching of Contempt: Christian Roots of Anti-Semitism* (New York: Holt, Rhinehart and Winston, 1964).
- v On a recent trip to France, I visited the cathedral at Chartres with its beautiful stained-glass windows. On two of those windows, near the ground so that everyone could see them easily, I noticed classic anti-Jewish tropes: the synagogue blinded by a serpent (with a devil dancing cheerfully nearby) and a Jewish money-lender with his bag of coins. These windows were among those that a tour guide identified as “pedagogical” ones.
- vi I am a gay man, too, but my concern here is not hatred toward gay people. That continues to be a social problem. Unlike hatred toward men, however, it is not condoned or encouraged by those on the left who promote identity politics, which is why it remains beyond the scope of this essay.
- vii Paul Nathanson, “If Not Now, When? Acknowledging Sexual Harassment and Identity Harassment,” *New Male Studies* 6.2 (2017): 1-56.
- viii Suzanna Danuta Walters, “Why Can't We Hate Men?” *Washington Post*, 8 June 2018; [https://www.washingtonpost.com/opinions/why-cant-we-hate-men/2018/06/08/f1a3a8e0-6451-1e8-a69c-b944de66d9e7\\_story.html?noredirect=on&utm\\_term=.9cbe7ef8776](https://www.washingtonpost.com/opinions/why-cant-we-hate-men/2018/06/08/f1a3a8e0-6451-1e8-a69c-b944de66d9e7_story.html?noredirect=on&utm_term=.9cbe7ef8776).
- ix Emily McCombs, “I Don't Know If I Can Raise a Good Man,” *Huffington Post*, 5 February 2018; [https://www.huffingtonpost.com/entry/i-dont-know-if-i-can-raise-a-good-man\\_us\\_5a09c7cae4b0bc648a0cae52](https://www.huffingtonpost.com/entry/i-dont-know-if-i-can-raise-a-good-man_us_5a09c7cae4b0bc648a0cae52).
- x Jody Allard, “Why I Write about My Kids,” *Huffington Post*, 21 July 2018; [https://www.huffpost.com/entry/why-i-write-about-my-kids\\_b\\_596e9b75e4b0376db8b65c10](https://www.huffpost.com/entry/why-i-write-about-my-kids_b_596e9b75e4b0376db8b65c10).

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- xi Jody Allard, "I'm Done Pretending Men Are Safe (Even My Sons), *Role Reboot*, 6 July 2018; <http://www.rolereboot.org/culture-and-politics/details/2017-07-im-done-pretending-men-safe-even-sons/#.WV44ZRVy67Y.facebook>
- xii "Jessica Bennett, Our New Gender Editor, Answers Your Questions," *New York Times*, 13 December 2017; <https://www.nytimes.com/2017/12/13/reader-center/jessica-bennett-our-new-gender-editor-answers-your-questions.html>.
- xiii Naathanson, op. cit. Paul Nathanson, "If Not Now, When? Acknowledging Sexual Harassment and Identity Harassment," *New Male Studies* 6.2 (2017): 1-56.
- xiv Fredric Rabinowitz and others (Boys and Men Guidelines Group), *APA Guidelines for Psychological Practice with Boys and Men*, Washington, D.C., American Psychological Association, 2018; <http://www.apa.org/about/policy/psychological-practice-boys-men-guidelines.pdf>.
- xv Paul Nathanson, *Post Millennial*
- xvi Emily Yoffe, "Does Anyone Still Take Both Sexual Assault and Due Process Seriously? In the Aftermath of the Kavanaugh Debacle, I Will Remain Pessimistic, on the Sunset Side of the Mountain," *Atlantic*, 13 October 2018.
- xvii Amber Athey, "Georgetown Professor: 'Castrate White Men's Corpses and Feed Them to Swine,'" *Daily Caller*, 1 October 2018; <https://dailycaller.com/2018/10/01/georgetown-christine-fair-white-men-swine/>. The reference is to Christine Fair, who teaches political science. According to *Wikipedia* (3 November 2018), Fair has had several conflicts, both personal and professional, which led her to use rhetoric that would never be tolerated from someone attacking women. "In the midst of the [Brett Kavanaugh Supreme Court nomination hearings](#) in September 2018, Fair, referring to [Republican](#) members of the [Senate Judiciary Committee](#), tweeted that they were 'entitled white men justifying a serial rapists' arrogated entitlement' and that they 'deserve miserable deaths while [feminists](#) laugh as they take their last gasps.' She made additional comments expressing support for post-mortem [castration](#) and corpse desecration of the senators. At least one student expressed the fear that Fair's comments would cause students who hold opposing views to feel threatened." In other words, Fair was indulging in "micro-aggressions" and the university was not providing her targets with "trigger warnings" or "safe spaces." The university responded by saying that Fair's comments did not violate its policies."
- xviii Katherine Young and I have documented this phenomenon very carefully and thoroughly in a series of books: *Spreading Misandry: The Teaching of Contempt for Men in Popular Culture* (Montreal: McGill-Queen's University Press, 2001); *Legalizing Misandry: From Public Shame to Systemic Discrimination against Men* (Montreal: McGill-Queen's University press, 2006); *Sanctifying Misandry: Goddess Ideology and the Fall of Men* (Montreal: McGill-Queen's University Press, 2010); and *Replacing Misandry: A Revolutionary History of Men* (Montreal: McGill-University Press, 2015).
- xix Wendy McElroy, "This Campaign against Sexual Violence Strongly Favors Female Victims, Strips Men of Due Process," *Daily Caller*, 7 June 2018.
- xx No policy or law (except the one that compels young men to register for military conscription) refers directly to either men or women; nowadays, they rely exclusively on gender-neutral language. But the *implications* of policies and legislation, and how the state enforces them, are

often anything but gender neutral. Consider how the courts have interpreted laws that govern family law by routinely awarding custody to mothers) and those that govern sexual harassment by denying due process to the accused (almost always men). Consider how universities have interpreted Title IX, following government “guidelines,” by dismantling due process and even suspending the presumption of innocence for those accused (almost always men). Consider how police officers have responded to reports of domestic violence by automatically arresting one party (always the man) despite clear evidence to the contrary. Consider how social-service agencies have used the “Duluth model” to “re-educate” those who have been convicted of domestic violence (almost always men).

xxi Nathanson, *op. cit.* My point in this article about the fallout from #MeToo is that *identity harassment*, the relentless teaching of contempt for men and resulting mobilization of resentment against men, per se, is just as destructive for men as sexual harassment is for women (although sexual harassment is a problem not only for women). These are two distinct forms of harassment, but society acknowledges only one of them. Everyone knows that sexual harassment is immoral and criminal; hardly anyone has even heard of identity harassment due to the pervasive double standard of gynocentrism (which, in the public square, has by now replaced the double standard of androcentrism). Even though the ability to establish a healthy collective identity is difficult enough for boys and men due to the widespread belief that *equality and sameness* are synonymous—that men and women are almost identical “social constructs,” which means that men, as such, can contribute nothing of value to society—this overlay of misandry makes it more likely than ever that boys and men will instead accept an *unhealthy* collective identity.

xxii In *Replacing Misandry*, Young and I argue that collective identity for men, per se, has been increasingly problematic since the Neolithic, approximately twelve thousand years ago, which saw the rise of horticulture and then of agriculture. These technological and cultural revolutions, followed by more recent ones that occur with increasing frequency, have undermined the male body as a symbol of the contributions that men can make to society. Without going into the history of changing perceptions of the male body and therefore of masculinity in its various forms, I will summarize here our basic point about where we are now. To have a healthy collective identity, either personally or collectively, people must be able to make *at least one contribution that is (a) distinctive, (b) necessary and (c) publicly valued*. It is increasingly difficult for men to do so, because there is almost nothing left that they can do, specifically *as men*. Women can and do provide resources for themselves and their families, can and do protect themselves and their families—with help from the state, in both cases, if necessary. For men to do those things, therefore, confers at best a nostalgic or even vestigial form of collective identity. Those ancient foundations for masculinity are anachronistic, therefore, and ineffective. Only one remains, tenuously, as a source of collective masculine identity. But even fatherhood is no longer equated by everyone with masculinity, let alone maleness. Single motherhood, whether by choice of default, is very common today and becoming more common. So are families headed by either two mothers or two fathers—the implication being that motherhood and fatherhood are virtually synonymous except for gestation and lactation. Moreover, we have lived through three or four decades of moral panics that demonize fathers as molesters and abusers. The belief that fathers are either unnecessary luxuries or likely liabilities within family life has had a profound impact on custody legislation.

My point here is that there are two very lamentable scenarios that follow from what is truly a crisis of identity for men. One scenario involves *dropping out* of a society with no room for them as men. Far more often than girls and young women, boys and young men drop out of school, thus becoming unemployable and unmarriageable—and marginalized. Far more often than women, moreover, men drop out of society through drugs or out of life itself through suicide. The other scenario involves *turning against* a society with no room for them as men. If we cannot have a healthy identity, they might say or think, we will take a negative one; even that is better than no identity at all. These boys and young men resort to crime at best and to mass murder or terrorism at worst (which correlate statistically with fatherlessness). Feminists did not invent any of these problems, but they have exacerbated them, directly or indirectly, consciously or unconsciously, by their pervasive attack on *everything* about men from rape and sexual harassment to “manspreading” and “mansplaining.”

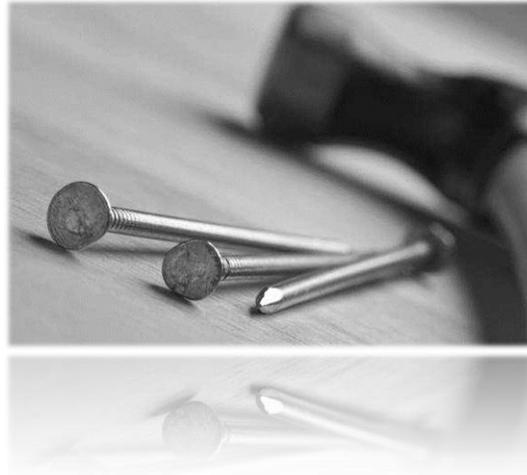
- xxiii By the “intellectual” foundation of society, I refer to the blatant subjectivism of “engaged scholarship” (now, even among those who campaign for “alternative” epistemologies in the sciences) and of “engaged journalism” (among both professionals and tweeters). By the “moral foundation,” I refer to the rejection of what was once called the Golden Rule in either its positive form (Do unto others ...) or its negative form (Do not do unto others ...). The result has been a conflation of justice with revenge. By the “legal foundation,” I refer to the increasing acceptance of vigilantism, notably in connection with the #MeToo and #BelieveWomen. This is about willingness to bypass the law by disregarding the need for due process and the presumption of innocence in both courts of law and courts of public opinion.
- xxiv The Nazis wanted Kristallnacht to look like a spontaneous pogrom. Actually, they orchestrated it very carefully.
- xxv Hatred is probably the only thing that is inherently evil, just as compassion is probably the only thing that is inherently good. No one argues that killing can ever be “good,” but most societies have always acknowledged that killing is sometimes acceptable (in self-defense) or even necessary (in wartime). Nothing, however, excuses hatred.

## Author profile



**Paul Nathanson** has a BA (art history), a BTh (Christian theology), an MLS (library service), an MA (religious studies) and a PhD (religious studies). Of particular interest to him is the surprisingly blurry relation between religion and secularity: how religion underlies seemingly secular phenomena such as popular movies and political ideologies. With Katherine Young, he is writing a series on the problem of masculine identity in an age of identity politics and sexual polarization. Four volumes are already in print: *Spreading Misandry: The Teaching of Contempt for Men in Popular Culture*; *Legalizing Misandry: From Public Shame to Systemic Discrimination against Men*; *Sanctifying Misandry: Goddess Ideology and the Fall of Man*; and *Replacing Misandry: A Revolutionary History of the Male Body*.

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## FEMINISM: WHEN ALL YOU HAVE IS A HAMMER

*Gerard Nicol*



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### ABSTRACT

*Advocacy is dominated by women, and women tend to overlook the problems men face, or worse try and fix the problems with feminist theory. When all you have is a feminist hammer, everything looks like a nail. The feminist hammer, for example, does not see the system that incentivizes the veteran's wife to falsely accuse him of domestic violence, using his PTSD diagnosis as evidence, all so she can get sole custody. The feminist hammer just sees toxic masculinity, the belief in female exceptionalism. Accusations of toxic masculinity are nothing more than the top layer of abuse; because when men dare to talk about their problems, abusive women, and the system that supports them will take advantage of men's vulnerability.*

**Keywords:** feminism, male disposability, men's rights, misandry, toxic masculinity

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## INTRODUCTION

A few weeks ago, I was asked to give an interview to a woman who wanted a men's-rights perspective on the subject of slavery, the forced treatment of people as property.<sup>1</sup> I am no expert on the subject of slavery, but my company had previously sponsored a group in Australia called Project Futures who funded Somaly Mam's rehabilitation of girls freed from sex slavery.<sup>2</sup> I explained in the interview that I stopped sponsoring the group when it became clear that they focus was no longer on helping the girls, and instead turned to shaming and exploiting men (men don't need a football player, like Nick Kenney, to tell them not to abuse women, any more than women need other women to tell them not to kill children and sexually abuse boys).<sup>3</sup>

That evening I had to attend my daughter's choir performance, but the interview started just before I was meant to leave, and it went for over 2 hours. It need not have gone on for 2 hours, but each time I discussed an issue facing men, the woman interviewing me would become defensive and counter with a story of how women too face these challenges. For instance, when I explained to her that the military draft was a form of slavery, she countered with a claim that women had been previously excluded from enlisting; implying somehow that a woman being denied the choice to fight is comparable with a man being forced at gunpoint to fight. Then I explained to her that paternity fraud was another form of slavery, and she countered with a story about a mother who was a drug addict who had her child taken off her, then had to pay child support to the state. Somehow, just presenting a male perspective turned the interview I was asked to give into a lengthy debate.

At the end of the call she asked me why more men weren't involved in advocacy, so I explained to her:

1. When men participate in advocacy, it is seen as an indulgence: don't you have work to do?
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<sup>1</sup> An earlier version of this article was published on LinkedIn.

<sup>2</sup> Project Futures. Retrieved from <https://projectfutures.com/about#howeare>.

<sup>3</sup> See <https://projectfutures.com/stella-fella-friday#speakers> for more on Kenny's role as a Project Futures ambassador.

2. When men participate in advocacy, they are told to mind their own business.
3. When men participate in advocacy, they are required to fit in with the female majority and a feminist way of interacting.

I suspect that missing my daughter's performance was a complete waste of time because my ideas were just too out of the box to be taken seriously by the interviewer and those who currently dominate advocacy.

## THE DRAFT

In my working career, I have worked with men who were forced to fight in Vietnam (on both sides); I have worked with South African men who were forced to fight in Mozambique; I have worked with ethnic-Chinese men who fled Vietnam rather than be forced to fight on the Cambodian front; and I have worked with men who were forced to fight on both sides of the Iran-Iraq war. These men had lived through their experience of being forced to fight; but they were clearly traumatized by what they had seen, in particular the South African men. The draft is a form of slavery where the state rounds up men and forces them to kill other men; against their will. These men are trafficked, and they meet every criterion to be considered a slave, yet to the woman interviewing me it was a revelation that the draft could be considered slavery.<sup>4</sup>

## PATERNITY FRAUD

For obvious reasons, there is no such thing as maternity fraud, but a male can be falsely accused of fathering a child, and sent to prison if he fails to work as a slave to pay child support. When these men are then sent to prison, they continue to accrue child support debts with interest; all while being used as slave labor in the prison. But it doesn't stop at just paternity fraud; boys who are raped can be forced to pay child support payments to their rapists, and husbands who discover their wives have been unfaithful can be forced to pay child support for another man's child, even when the infidelity results in divorce.<sup>5</sup> Yes, theoretically this can

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<sup>4</sup> Warren Farrell's *War Hero or War Slave?: The Armed Prostitute*, (pp. 123-163); chapter five of *The Myth of Male Power* (1994) New York, NY: Berkeley Books; offers a compelling examination of male disposability and the draft.

<sup>5</sup> The Nick Olivas case is arguably the most famous instance of a male rape victim being forced to pay child support: see <https://www.usatoday.com/story/news/nation/2014/09/02/statutory-rape-victim-child-support/14953965/>. Interestingly, Richard Mason was recently awarded compensation from his ex-wife when

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happen to women too, but a woman can have an abortion or simply walk into a police station and hand the child over to free herself of any future financial burden. Forced parenting could be considered slavery, but once again this was a revelation to the woman interviewing me.

## THE DAMAGE DONE TO MEN

Advocacy is dominated by women. The troubling discrepancy between available women's-health services and men's-health services is a consequence of that domination—data on breast-cancer funding and prostate-cancer funding are a good example of it.<sup>6</sup> In the absence of men, women tend to overlook the problems men face, or worse still try and fix the problems with feminist theory. *When all you have is a feminist hammer; everything looks like a nail.* When 22 US military veterans kill themselves each day, rather than looking at what has happened to these men, the feminist with the hammer sees toxic masculinity.<sup>7</sup> The feminist with the hammer does not see a man who has PTSD from having to kill others, or from the fear of his own death, she does not see the man returning from deployment to find his wife wants a divorce and full custody of their children.

The feminist with the hammer does not see the system that incentivizes the veteran's wife to falsely accuse him of domestic violence, using his PTSD diagnosis as evidence, all so she can get sole custody to maximize the amount her damaged husband has to pay for the children he can no longer see. No, the feminist hammer just sees toxic masculinity; the belief in female exceptionalism. The harsh reality for men is that the accusations of toxic masculinity are nothing more than the top layer of abuse, because when men dare to talk about their problems, abusive women, and the system that supports them will take advantage of the man's weakness. When men seek help, most of the time they will be referred to a counselor who is trained in the

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he discovered that he had raised three children he did not father. See <https://brusselsmorning.com/2019/01/06/mum-pays-ex-husband-250000-after-he-discovered-three-sons-werent-actually-his/>.

<sup>6</sup> Krisch, J. A. (2018) Prostate Cancer and Testicular Cancer Could Really Use Some Funding. Retrieved from <https://www.fatherly.com/health-science/prostate-cancer-research-funding-breast-cancer/>.

<sup>7</sup> This statistic is taken from the United States Department of Veteran Affairs' (2012) Suicide Data Report. Retrieved from <https://www.va.gov/opa/docs/suicide-data-report-2012-final.pdf>. A useful evaluation of toxic masculinity is Saad, G. (2018) Is toxic masculinity a valid concept? Retrieved from <https://www.psychologytoday.com/us/blog/homo-consumericus/201803/is-toxic-masculinity-valid-concept>.

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framework of feminist ideology, and they will be told that all of their problems are rooted in their own masculinity. Even men who are the victims of domestic violence from their female partners have no choice but to endure counselling that portrays all female violence as the fault of the male patriarchy.<sup>8</sup>

Jessica Eaton was tagged in a recent comment on one of my LinkedIn posts; I had become aware of her when I read an article she wrote in which she demanded that feminist misandry (the hatred of men) be exempt from proposed hate crime legislation in the United Kingdom.<sup>9</sup> According to Ms. Eaton, stopping women from hating men will embolden abusive men. Ms. Eaton seems to imply that the tragic demise of her father-in-law, which included his own trauma, resulted from harmful “anti-feminine, hyper-masculine” gender roles. Or put another way, we need to concern ourselves with the challenges that men face because that’s the only way we can further help women. That feminist hammer again.

After reading her article last October I contacted her and asked if she wanted to work on an article together; she responded with an accusation that I was trying to cash in on her celebrity. (She claims to have “set up the ONLY and FIRST male mental health centre in the UK”—her capital letters and tautology, not mine.) She subsequently expressed a troubling attitude to men; a contempt that is all too common among feminists who believe they can help men by demanding men be more like their feminine ideal. Ms. Eaton accused me of being like a “wet dream for people who want to show men as violent misogynists” and being surrounded by “incels and MRAs”. This is surely an instance of a woman sexually shaming a man. For those who don’t know, an *incel* is a man who is involuntarily celibate; it is a slur used by feminists to accuse men of not being able to attract female sexual attention. She then triumphantly asked, “Don’t you have a job to do?”

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<sup>8</sup> For a useful discussion of the limitations of gynocentric counselling, see Rizza, J. (2009). Beyond Duluth: A broad spectrum of treatment for a broad spectrum of violence. *Montana Law Review* Vol. 70 (1), 125-146.

<sup>9</sup> Eaton, J. (2018, October 17). “Making misandry a hate-crime will embolden abusive men.” *The Guardian*. Retrieved from <https://www.theguardian.com/commentisfree/2018/oct/17/misandry-hate-crime-abusive-men-law>

The great irony is that most of the men I know are middle-aged, and at the peak of their sexual market value; none of them have any problem attracting female sexual attention. It is the homeless men, the drug addicted men, the alcoholic men, the jobless men, the men with mental illnesses that struggle to attract female sexual attention; men like Ms. Eaton's own father-in-law who she claims occasioned her work. If your father, husband, son or best mate needed help, would you feel comfortable sending them to be cared for by someone like Ms. Eaton? I would not, and that's why we need to start championing men to advocate for males' health and well-being rather than telling them to mind their own business or forcing them to sit in a room with a feminist (like Ms. Eaton), who while banging on about toxic masculinity, sees no irony in questioning whether a man (who works 7 days a week) has work to do.

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## AUTHOR PROFILE



**Gerard Nicol** has 25 years of experience in enterprise storage management and data security. He welcomes any comments in relation to this article and is happy to answer any questions that you may have.

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## THE PRIMORDIAL MAN

A PHOTOGRAPHIC ESSAY

*Jan H. Andersen*



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The man's — boy's — essence is to be found under many layers. Layers of emotional disabilities caused by cultural expectations, pent-up emotions, anger and hatred and as each layer is peeled off it becomes increasingly harder to see, stay focused and get deeper. In there is the archetypal man. Not the suffering boy, not the culturally defined archetypes, as we have already peeled off and thrown in the bin. No, here we find the archetypes that come to us in dreams, show their face in our inspiration, art, creativity and in the quest to understand who we really are — as men. Here we find the forces that drives boys' passion, curiosity and true belief in themselves as superior human beings. The forces that make them pursue goals that at first look foolish but will later be seen as true genius. The unadulterated spirit that enables them to live the moment. I have only managed to peel off the outer layers for the course of several years and it will take me years to get through the next. However, I am fully convinced that one day I will reach the core. That I will be able to depict the spiritedness, the pure energy of life, that is the true core of boys and men. The archetype above archetypes. You could call it libido, thymos, mortido and orgone. I call it *The Primordial Man*.













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## AUTHOR PROFILE



**Jan H. Andersen** is a Danish photographer, software developer, and author specializing in topics surrounding children and teenagers. With a degree in child care and with many years of experience working with troubled kids and families, he writes with passion about child psychology, boy issues and parenting. You can read more at his website

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