

The Power of false Allegations

Many men who wish to protect their rights to a relationship with their children now know they cannot just leave the home when their marriages dissolve. For their wives, making false allegations against them has become an easy way to get them out of the house and gain the advantage in the battle for custody and property. Family lawyers regularly see clients who are using the criminal justice system to help them tactically in family law proceedings. Members of the joint Committee heard so many horror stories of false allegations that Chairman Roger Gallaway told the *Toronto Sun*, "The Divorce Act is suddenly becoming an instrument of the Criminal Code."

In some reported cases, lawyers coached female clients to provoke an incident: Can you get him to throw a shoe at you?" Moreover, the word "abuse" is now so broadly defined that a man can be permanently evicted from his home for spitting at his wife in the heat of a domestic argument, behaviour that, while offensive, hardly warrants the state's intervention. For that reason, lawyers routinely advise male clients, particularly those still living in the matrimonial home, to scrupulously avoid situations that could result in a nuisance charge, and to photocopy and keep safely outside the house any documents they might need in a divorce action

Many family court judges confronted with abuse allegations have tended to operate on the assumption that it is better to be safe than sorry. Caution prevents potential tragedies and has the added advantage of protecting them from criticism by women's groups or the media. Once charged, a man will generally be handcuffed and removed from his home, often in front of his children, then forced to spend the night in jail, have a restraining order slapped against him. Or bail conditions set that restrict him from returning except to collect his personal effects. Although the charges against him may be uncorroborated, he will be guilty until proven innocent. If the charges are ultimately dismissed, the damage to his reputation will be done. The stories are legion of fathers whose lives have been destroyed by malicious allegations, but it is virtually unheard of for the women who falsely accuse them to be held accountable. This phenomenon has turned out to be a boon for a certain type of woman, not to mention a certain type of lawyer, for whom any tactic, no matter how morally rank, is justifiable, indeed obligatory, in the vigorous pursuit of his client's interests. Some women don't need to pay for such advice; they are becoming wise to the opportunities now afforded them in law.

Feminists, for the most part, have been unwilling to admit that such women exist, let alone that their actions cause irreparable harm or that they should be held accountable for reprehensible acts. Instead, they attack those who voice contrary views as anti-feminist mouth pieces for the fathers rights lobby. Even Senator Cools, who helped to found a battered women's shelter, was tagged with the "anti-feminist" moniker.

Fathers' rights groups have been trying for years to raise public awareness about the issue of false allegations, along with other injustices that divorced fathers and their children face, but the media have been highly sceptical of the claims of men they perceive to be mostly angry, marginalized, and misogynist. It is no coincidence that it took a female senator with a history of feminist

activism to bring them to national attention. On these matters men have been silenced in our culture. Men are simply not perceived to have the bona fides to speak about issues of sexual politics even though the debate dramatically affects their lives.

Wendy Denis, The Divorce from Hell: How the justice system failed a family. McFarlane, Walter and Ross, Toronto, ON, 1998 pp.341-3 first published in the Everyman Journal #68