

**ENGLISH 204  
FINAL EXAM  
FALL 2003-2004**

**Time Allowed: 3 hours**

**Directions: Tests A & B both discuss the issue of divorce and justice. Critique Text A, synthesizing information from B to support your thesis.**

**TEXT A**

**Loaded Justice**

**Melanie Phillips**

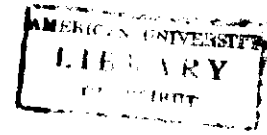
**Daily Mail, 5 November 2003**

1. One man dressed in a Spiderman outfit has single-handedly been bringing chaos to central London. Since last Friday, David Chick has been perched on top of a 150 ft crane in order to publicise his protest about the way the courts treat separated fathers.
2. Police have erected roadblocks around the crane to prevent Mr. Chick from falling onto passers-by. The result is miles of tailbacks and misery for thousands of commuters trapped helplessly in the gridlock.
3. Mr. Chick is merely the latest estranged father to stage a public protest. Militancy amongst fathers' groups is increasing. They have picketed judges' houses, forced the temporary closure of one court, placed hoax bombs in others and intimidated mothers arriving for hearings.
4. This kind of irresponsibility, harassment and threatening behaviour is totally unacceptable, and should be punished. Nevertheless, the desperation driving these men to such acts is real.
5. The flashpoint behind Mr. Chick's protest is how judges handle the difficult issue of contact with children after divorce. When the courts award care of the children to the mother, they usually make an order that she should allow the children to have contact with their father.
6. But when the father tries to make such contact, he often finds the mother bars his way. She fobs off the court with a series of flaky excuses. Worse still, she may make spurious allegations of abuse.



7. Even if the facts behind such claims are actually examined, the proceedings are weighted towards the mother. And many blameless fathers end up losing contact with their children.
8. The courts don't want to jail the mothers because their children live with them. On this basis, no mother should even be sent to prison for any crime. And anyway, why do they all have to be jailed? Many children could be sent to live with their fathers instead.
9. The courts think a child should be with its mother. But a mother who spitefully denies her child access to its father shows she is not fit to be in charge of that child.
10. The judges want to avoid enraging the mother still further, which they think would be bad for the child. But being deprived of its father is bad for the child. With the courts paralysed by their belief that mothers have to be handled with kid gloves, women have been able to string them along and get away with actions wholly against their children's interests.
11. The singer Bob Geldof has drawn attention to this injustice. Drawing on his own custody battle with his late ex-wife Paula Yates, he has rightly observed that family law is creating 'vast wells of misery, massive discontent, an unstable society of feral children and feckless adolescents who have no understanding of authority, no knowledge of a man's love and how different but equal it is to a woman's.'
12. No doubt such outbursts are why some senior judges recently acknowledged that with so many contact orders being flouted by mothers, the law is being brought into disrepute. As a result, in a recent case where a mother refused contact, judges did for once transfer care of the child to the father.
13. But this problem is far broader and deeper than flouted contact orders. The whole justice system is institutionally biased against men and marriage. It is driven by an extreme feminist agenda, which stretches from the humblest family lawyer through the politically correct Law Commission to reach all the way up to government and the senior reaches of the judiciary.
14. How else can one explain the extraordinary proposal by the Law Commission—which is expected to be backed by the government—that women who commit premeditated murder of their menfolk may be charged merely with manslaughter if they have been abused?
15. At present, manslaughter only applies if the killing occurs in the heat of the moment. But the new argument is that if there was a history of abuse, such provocation excuses the deed even if it was carefully planned.

16. This is rigging the law to allow women literally to get away with murder. (The same provision would apply to abused men; but since such men are seldom believed, and most men who kill do so in the heat of the moment, it is mainly women to whom this would apply.)
17. Of course, abused women need protection. But premeditation means women have a choice not to kill. The proposal gives the signal that premeditated killing in a domestic setting is justifiable. It effectively says that the crime is the fault not of the killer but of her victim. By removing personal responsibility for murder, it represents a wholesale attack against the fundamental principle of law itself.
18. But then, through a contribution of moral cowardice and extreme feminism, family lawyers have been writing personal responsibility out of the script for decades. First, they removed the idea that behaviour mattered, so that eventually divorce law became so meaningless that fault was removed from it altogether.
19. And now, they actually reward bad behaviour. Despite the fact that women have been becoming increasingly unfaithful and predatory, they are now mainly awarded the lion's share of divorce settlements.
20. Underlying it all is the judges' assumption that women are generally more sinned against than sinning and that marriage is out of date—a fact they have done their best to bring about. The leading exponent of that view—and the most influential voice in family law over at least the past two decades—is Lady Justice Hale, a hard-line feminist, an opponent of marriage (despite being twice married herself) and a champion of easier divorce and equal rights for cohabitants.
21. Now she is to become the first female member of the Law Lords. She is without doubt exceedingly able. But her elevation epitomises the moral vacuum within our judiciary and wider establishment, which instead of holding the line for justice and social order are in thrall to the politics of the self, which makes victims of the vulnerable and leaves a trail of social and emotional devastation in its wake.
22. So men increasingly find they lose their homes and their children, even if their behaviour has been blameless. Their reckless public protests are inexcusable. But so, too, are the manifold injustices which are increasingly driving them over the edge.



### **About the Author**

Melanie Phillips is a British journalist and author. Awarded the Orwell Prize for journalism in 1996, she is the author of *All Must Have Prizes*, an acclaimed study of Britain's educational and moral crisis, which provoked the fury of educationists and the delight and relief of parents. Her ideas have influenced politicians in both government and opposition, who follow her battles in the culture wars with fascination.

### **TEXT B:**

#### **Prevent a Custody Battle After Divorce**

**Barbara Rose**  
2003

I recently marked the six-year anniversary of my custody battle. I have learned vital lessons that I want to share with all parents.

Divorce yourself emotionally from your former spouse.

Mind your own business. Their life is no longer married to yours.

Our children are not to be fought over like property. Children are not property, and parents do not own them.

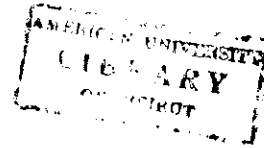
The issue is not custody. It is loving the children, sharing parental responsibility for their physical needs, and maintaining open communication between the parents for the sake of the children.

If you file a custody suit out of bitterness, or to get personal revenge, or to avoid sharing parental responsibility with open communication, you commit a crime against your children.

No matter how much you may despise your former spouse, your children are as much a part of their other parent as they are of you.

No matter how much you may dread sharing open, healthy communication with your former spouse, you must do it to provide a role model of healthy adult communication for your children; they will need this vital resource when they become adults.

Psychologically healthy... divorced parents show courtesy and respect to each other. Their children then internalize the message that they are respected. Through open dialogue with each other, parents teach their children to speak



their truth rather than sacrifice it to please one parent or blame the other. Such parents give their children an invaluable gift.

When parents stop blaming and start to look within, they take personal responsibility for their thoughts, feelings, and actions. The parents heal their issues, and their children are spared great pain.

I ask you, if you are a parent, to look to the source of your pain. It is not with your former spouse. It is within you. Look closely at the areas you vehemently guard. If you don't want open communication, do it anyway. Your children need to learn how to communicate.

If you don't want to pay child support, pay it anyway. Your children are entitled to be raised with the financial resources of both parents. They deserve the best life they can possibly have.

Do everything you do not want to do. Do it for your children. If you do, your children will be by your side in your old age. If you do not, you will find yourself alone when you are old.

Many laws have changed in the last thirty-five years: child support enforcement laws and custody regulations. But the courts cannot enforce healthy, open communication between the parents. And the courts cannot impose on us the one thing that will make all the difference for each of us. It comes from the inside. It is love.

Love and heal yourself. Love and honor your children. Then and only then will you and your children know peace.

If your former spouse is not fulfilling their court ordered obligations, let it go. Stop trying to enforce what they are not willing to adhere to. You have no control over them.

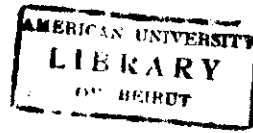
Focus on being the best parent to your child when you are with them.

Never speak negatively about the other parent, show the other parent disrespect in front of the children, or cause the children to feel they should take sides.

Allow the children their birthright to express love to both parents.

Be grateful for whatever the other parent contributes to the lives of your children, and stop seeking to get more.

You will find that when your energy is spent on genuinely accepting, and sharing parental responsibility with your former spouse, for the sake of your children, rather than continuing a war, your children will thrive emotionally.



They will bear no psychological scars. They will learn the gifts of open dialogue, rather than receive pain as they witness a silent war between the two parents they are a part of.

As divorced parents, do everything you can to create a pleasant atmosphere with your former spouse for your children. This may be an unwilling sacrifice for you, but it is a gift for your children.

Womenco.com is a site dedicated to helping women find information, support and resources in many areas of life

### **About the Author**

Barbara Rose, author of: *Individual Power: Reclaiming Your Core, Your Truth, and Your Life*, and *If God Was Like Man*, brings through profound information to create the highest vision of your life. Her nationally praised seminars, articles, column: *Success after Divorce*, books and award winning website have helped uplift thousands of lives. She is the founder of American People for Family Justice—Child Legislation, which is dedicated to protecting the rights of children via legislation.