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‘I’d just lose it if there was any more stress in my life’: Separated Fathers, Fathers’ Rights and the News Media

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Abstract

Custody abductions and filicides-suicides are not every day occurrences and typically become ‘media events’. Through an analysis of newspaper representations of two custody abductions and one filicide-suicide, this article examines the role played by fathers’ rights discourse in the construction of the separated father in each case. It argues that fathers’ rights discourse played a central role in the sympathetic portrayal of the two fathers involved in the custody abductions, but was less obviously present in the case of the filicide-suicide. These divergent representations indicate that news media representations are contingent on circumstances and also point to the limits of fathers’ rights discourses in legitimating and neutralising the actions of fathers in pain over the loss of intimate personal relationships. However, the use of a forensic approach to reporting meant that each case remained decontextualised from the pattern of violence and coercive control that typically characterises conflictual separations and custody disputes.

Keywords

Fathers’ rights; separation; custody abductions; filicide; violence.

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Introduction

Under what circumstances do separated fathers become the focus of news media attention? What role does fathers' rights discourse play in their media representation? And what implications do these representations have for gender based politics? These are the questions this article addresses through a critical analysis of three cases that occupied the news media spotlight in Aotearoa/New Zealand in recent times.¹ The first case took place in 2005 and was precipitated by Stephen Jelich's abduction for ten days of his five-month-old daughter, Caitlin Jelich. In the second case, Chris Jones became a centrepiece of media interest in 2006 when his son Jayden Headley, then aged six years, was abducted for 155 days by his maternal grandfather, Dick Headley, who was widely believed to have been acting on behalf of Jayden's mother, Kay Skelton. The final case occurred in 2014 when Edward Livingstone became a focal point of news media attention for breaking into his former wife's home and murdering his two sleeping children, Bradley, aged nine years and Ellen, aged six years, before killing himself.

All three cases became 'media events' (Fiske 1996); they garnered considerable media attention, throughout the abduction periods and their immediate aftermath in the case of Stephen Jelich and Chris Jones, and in the days that followed the filicide-suicide in the case of Edward Livingstone. Undoubtedly, media interest in these cases reflects the fact that, although parental separations and subsequent disputes over the care of children between separated parents are now commonplace, abductions and murder-suicides remain relatively rare and thus extraordinary. There is a second reason, however, for the newsworthiness of stories surrounding parental separations and disputes over their children's care: individual cases involving parental separations and custody disputes grow out of and play into social disputes over how to best respond to parental separations and the needs of children for care, safety and sustained relationships. Indeed, some might say that social disputes over parental separations and subsequent arrangements for the care of children have become one of the most vexed areas of contemporary struggles over gender relations within the familial domain.

As one might expect, the fathers at the centre of these cases – Stephen Jelich, Chris Jones and Edward Livingstone – were portrayed in rather different lights to each other. Irrespective of their dissimilar roles in the abductions, both Stephen Jelich and Chris Jones were constructed sympathetically as desperate and committed fathers who faced mothers who, albeit for different reasons, were acting to exclude these men from their children's lives. In contrast, Edward Livingstone was represented in highly unsympathetic terms as a 'mentally unstable' man with a violent history who had not come to terms with the end of his marriage to Katharine Webb and who, as a consequence, had committed a shocking act of violence against his children, the very people he should have been protecting.

My intention in running two apparently disparate scenarios against each other is to explore what they show about the influence of the pro-father discursive repertoires derived from the fathers' rights movement on the framing of these cases. Through a textual analysis of the newspaper representations of the cases of Stephen Jelich and Chris Jones, I show that both men were produced and maintained as sympathetic figures through the media's reliance on the pro-father discursive repertoires that make up fathers' rights discourse. These pro-father discursive repertoires construct fathers as centrally important to children's wellbeing as sources of care and protection, blame mothers' hostility towards fathers for father absence, and absolve fathers of any responsibility for their harmful actions (Collier 2006; Crowley 2009; Flood 2004, 2010; Kaye and Tolmie 1998). I also engage in a detailed reading of newspaper renditions of Edward Livingstone's actions, showing that pro-father discourses were less obviously present in this case. Instead readers were invited to make sense of Livingstone through two competing discourses: the discourse of mental instability as a wellspring of inexplicable violence versus the discourse of domestic violence. As a consequence of these different discursive constructions, Jelich and Jones were defined as good fathers who deserved

the public's sympathy, while Livingstone was portrayed as either a mad or bad father who deserved the public's condemnation.

In what immediately follows I set the scene for my detailed reading of the media's treatment of the abductions of Caitlin Jelich and Jayden Headley, and the filicides of Bradley and Ellen Livingstone, by outlining the rise of the fathers' rights movement as a counter-movement to the progressive social change brought about by feminist challenges to male dominance within the heterosexual nuclear family. I then describe my methodological approach, before presenting my analysis of the news media representations of each case.

Context

Individual and social struggles over parental separation and/or divorce and the subsequent care arrangements for children are not particularly new in New Zealand or elsewhere in the West. However, the vexed nature of contemporary debates over custody across the Western world is arguably a product of the challenges posed by the feminist movement (including the anti-domestic violence movement) to the patriarchal family and profound changes in personal intimacy over the last 50 years, as well as the rise of a global fathers' rights movement (Boyd 2003, 2004, 2006; Busch, Morgan and Coombes 2014; Collier 2006; Dragiewicz 2011; Flood 2004, 2010; Kaye and Tolmie 1998). Beck and Beck-Gernsheim (1995; also Smart and Neale 1999a) theorise that the conflict between mothers and fathers over children following parental separation has intensified in recent years because family relationships and paid employment have both become more precarious. As a consequence, Beck and Beck-Gernsheim suggest that the ties we seek to make binding are no longer marital but parental.

Yet, as a number of scholars have pointed out, ties between fathers and their children seldom become an issue for men until these relationships are threatened by separation and/or divorce (Crowley 2009; Flood 2012; Rhoades 2006; Smart and Neale 1999a, 1999b). It is at this point that some fathers take umbrage at a gender division of labour which typically sees them act as secondary carers of their children, and at risk of occupying a marginal position in their children's lives, because of what they perceive to be the vindictive actions of mothers backed up by a biased family law system (Collier 2006; Crowley 2009; Davis 2004; Flood 2012; Kaye and Tolmie 1998). Thus, the fathers' rights movement is fundamentally concerned with the reassertion of paternal claims over off-spring in the wake of parental separation and/or divorce. It does not, as Rhoades (2006; see also Flood 2012) makes clear in reference to Australia, have a history of lobbying for changes in employment conditions that would enable fathers to more easily combine paid work and child-care within intact relationships.

Despite some differences in the strategies adopted by fathers' rights groups across the industrialised world (Collier 2006), Smart (2006: vii) argues that fathers' rights activists share a 'policy backcloth' that insists that 'fathers must be made more central to the emotional lives of their (biological) children'. As elsewhere across the Western world, fathers' rights groups in New Zealand have mobilised the rhetoric of liberal feminism to argue that the principles of gender equality and gender neutrality be applied to the issue of post-separation parenting arrangements (Busch, Morgan and Coombes 2014; see also Collier 2006; Crowley 2009; Dragiewicz 2011). In New Zealand, fathers' rights groups were strong proponents of the Shared Parenting Bill when this was introduced into parliament in 2000 by Muriel Newman, a Member of Parliament for New Zealand's far right political party ACT. This bill was defeated at its first reading and the subsequent review of New Zealand law governing post-separation arrangements for children, which resulted in the passing of the *Care of Children Act* in 2004, was not built on a legal presumption of shared care.² However, there has been a normative shift toward shared care in New Zealand over the last 15 years, as evidenced by many of the cases that go through the family court system (Tolmie, Elizabeth and Gavey 2010a, 2010b), which can be partly attributed to a fathers' rights lobby.³

Notwithstanding the rise of a pro-father culture within family courts across the West, fathers' rights groups remain critical of the gender power relationships they believe structures post-separation parenting, and the bias towards mothers they believe characterises family law. Within the 'injustice frame' constructed by the fathers' rights movement, fathers – rather than mothers – are the victims of family law (Boyd 2003, 2004, 2006; Collier 2006; Flood 2004, 2010, 2012; Kaye and Tolmie 1998; Rhoades 2006; Smart and Neale 1999a, 1999b). Based on this tenet, fathers are victims of false allegations of domestic violence and/or child abuse by mothers; they are victims of judicial decisions that privilege mothers' care time over fathers'. As victims, fathers are produced as subjects who are morally compelled to press claims for justice and even to engage in heroic risk-taking in pursuit of closer relationships with their children (Jordan 2014). According to Collier (2006: 67), fathers' rights activists and individual fathers engage in similar discursive manoeuvres to press their claims: they create a distinction between good fathers and bad, irresponsible or dangerous fathers; they deny, minimise or normalise behaviour that is questionable at best and criminal at worst, so as to avoid critical scrutiny; they articulate a belief that good fathers should fight for their children; and they construct mothers who oppose contact for any reason as alienating and vengeful.

Method and sources

My analysis in this article is informed by the tradition of critical media studies exemplified by Douglas Kellner (1995) and John Fiske (1996). According to critical media studies, the news media operates as a significant site for contesting and establishing the meanings of people's actions. The media achieves this by drawing on culturally available discourses to craft narratives of the events under consideration. This does not mean, however, that the news media presents readers with monolithic accounts of events that only rely on dominant discursive constructions. Rather, it is important to recognise that the news media is a site of discursive struggle, where competing social interests – for example, fathers' rights groups versus anti-domestic violence advocates groups – vie for narrative control. Generally speaking, these competing interpretations do not enjoy the same degree of legitimacy. The news media typically privileges particular interpretations and the interests served by those interpretations, at the same time as it marginalises other interpretations and the interests that might have been furthered by these alternative interpretations.

To identify and interrogate the meaning given by the news media to the three cases under examination, I undertook a narrative-discursive analysis (Reynolds, Wetherell and Taylor 2007) that was supplemented by a deconstructive reading. This involved reading for the social discourses (that is, regularised sets of statements that provide interpretative repertoires) and cultural narratives (that is, plots that link events and characters into a story that takes place over time) contained within newspaper articles about these two abductions. To further interrogate the news media accounts of these abductions, a deconstructive reading was also undertaken. By 'taking [texts] apart and showing how they work to present a particular vision of the world' (Burr 2003: 18), deconstructive readings undermine the social interests served by media accounts.

Sources for the analysis presented below were derived from newspaper coverage of the three cases. With respect to the earlier Jelich and Jones cases, I accessed newspaper coverage retrospectively through a database, Newztext; in the case of Livingstone, I accessed newspaper coverage directly as the case unfolded from newspaper websites. For all three cases I focussed on *The New Zealand Herald*, New Zealand's largest metropolitan daily, and, in the two cases based in regional centres (the custody abduction involving Jones and Skelton, and the Livingstone murder-suicide), I also accessed articles from the regional newspapers covering the geographical areas in which the cases were located. In Chris Jones and Kay Skelton's case, this was the *Waikato Times*; and in Edward Livingstone's case, this was the *Otago Daily Times*.

Case synopses

This section draws on news media accounts of each case to summarise the pivotal elements of the abductions and the filicide-suicide. These synopses should not be read as definitive accounts; rather, they have been included to provide the necessary context for the analysis of the media's treatment of each case that follows.

Diane and Stephen Jelichich

Diane and Stephen Jelichich met over the Internet in 2000 when she was living in Wales and he in New Zealand. Although each called the relationship off several times, the couple married in 2003 and based themselves in Wales. In early 2004, Stephen returned to New Zealand when Diane was 15 weeks pregnant, arriving back in Wales just prior to Caitlin's birth. In late 2004 Diane and Stephen arrived in Auckland for a six-week holiday to introduce their baby daughter, Caitlin, to Stephen's parents. However, shortly afterwards their relationship 'soured', and it appeared they would separate permanently.

Stephen gained a Family Court order on 1 December 2004 that prevented Diane from returning to Wales with Caitlin. Following a successful appeal by Diane, the Court order was overturned on 24 December, paving the way for her to return to Wales on 10 January 2005 with Caitlin and her 11-year-old daughter, Emily, as originally planned. When the Court re-opened in the New Year, Stephen applied for a stay of the order permitting Diane to return with Caitlin to Wales. His application was declined by the Family Court judge, leaving the way free for Diane and Caitlin's return.

Following a planned weekend visit between father and daughter, Stephen went 'on the run' with Caitlin instead of returning her to Diane on 8 January 2005, as had been agreed. On 10 January Diane left New Zealand for Wales with Emily. On 18 January, having negotiated an appeal hearing in the Family Court, Stephen came out of hiding. Stephen never faced criminal charges in relation to the abduction. On the day after his return to Auckland, the Hague Convention was invoked and it was argued that the case over Caitlin's custody arrangements should be heard in Wales, the jurisdiction in which she had normally resided. In late January, through the financial support of family and friends, Diane was able to return to New Zealand to be re-united with Caitlin. In mid-April, the Court heard the argument over the Hague Convention. The judgment, released to the public on 2 May 2005, upheld the provisions of the Hague Convention; Diane returned to Wales immediately.

A year later, in 2006, it was reported that Stephen had cut ties with Caitlin and, although Caitlin was often unwell, was not making child-support payments. In 2007 Diane was diagnosed with breast cancer and died from the disease in 2009. Caitlin's older half-sister became her official guardian and, in 2011, adopted Caitlin. Reportedly, Caitlin has limited contact with her father, although she has a photo of him in her bedroom.

Chris Jones, Kay Skelton and Jayden Headley

Kay Skelton and Chris Jones, the mother and father, respectively, of Jayden Headley, met each other in a bar in November 1998, not long after Kay had separated from her husband of four years, Brett Skelton. Kay and Chris began a two-year relationship. During the later stages of their relationship, Kay became pregnant and gave birth to Jayden Headley in May 2000, but Chris Jones was not named on Jayden's birth certificate. Six months after Jayden was born, Chris and Kay separated.

Almost immediately care and contact arrangements for Jayden came before the Family Court. In January 2001 Kay sought day-to-day care of Jayden and filed for a non-removal order. Several months later Kay also filed for a protection order, but accepted an undertaking from Chris that he would behave appropriately, as well as his agreement to attend anger management and

parenting classes; in return Chris was granted supervised contact with Jayden. By the following year, Kay was raising doubts over Jayden's paternity, because she had also engaged in sexual relations with Brett Skelton at the time of Jayden's conception. In December 2002 Kay moved to Australia without Chris' knowledge, only returning to New Zealand in August 2003 to avoid her forced return under the Hague Convention. From August 2003 to January 2005 contact between Chris and Jayden generally occurred. By this time Kay had resumed living with Brett, with whom she had maintained close contact. Following a reportedly successful summer holiday with Chris over the summer of 2004-2005, Jayden began refusing to go with his father for access visits.

Jones applied to the Family Court to have Jayden's day-to-day care transferred to him. Although the Judge believed that Skelton was systematically alienating Jayden from Jones, the Judge nevertheless dismissed Jones's application. However, the Judge ordered the reinstatement of contact between Chris and Jayden, and for Chris, Kay and Jayden to attend specialised counselling. But contact between Jayden and Chris Jones broke down again, prompting Jones to re-apply for day-to-day care. At this point, Kay submitted results from DNA testing that purportedly showed Brett was Jayden's father. These results were overturned when re-testing showed that Jones was the father. On 22 June 2006, following another court case, Jones was awarded day-to-day care and Kay Skelton's contact with her son was restricted to supervised contact.

Two months later, on 18 August, Jayden was led out of the Hamilton Public Library by Mrs Nikola Taylor, an old friend of Kay Skelton's, and delivered to Dick Headley, Jayden's maternal grandfather. Eight days later, on 26 August, Kay Skelton was charged with kidnapping Jayden. A month later Kay appealed to her father to give himself up on *Close Up*, a prime-time news program screening on TV1, one of New Zealand's main television channels. On 18 October, two months after Jayden's disappearance, Chris Jones' lawyer filed a writ of *habeas corpus* against Kay Skelton requiring her to produce Jayden or information leading to his discovery. A week later (25 October), having failed to prove to the Court that she was unable to locate Jayden, Kay Skelton was jailed for contempt of Court. For the next 90 days Kay Skelton would remain in jail, despite legal action to free her, until Dick Headley returned with Jayden on 23 January 2007.

Following an emergency Family Court hearing, Jayden Headley was returned to the care of his father, whilst the modest provisions that had been in place permitting Kay contact with Jayden were revoked. However, by mid-2007 contact between Skelton and Jayden had resumed under supervision. Dick Headley and Kay Skelton were both charged with kidnapping and each subsequently pleaded guilty. Dick received a sentence of 12 months home detention, while Kay received 9 months home detention and 300 hours of community service. Kay was also found guilty of perjury evidence in the Family Court and was sentenced to 2 years and 8 months in prison for this offence in 2010. By this stage she had given birth to a daughter and was heavily pregnant with another child, who would spend his first 10 months with Skelton in jail. Kay was released on parole in October 2011 having served less than half her sentence.

Edward Livingstone, Katharine Webb, Bradley and Ellen Livingstone

Edward Livingstone grew up in Australia with his mother and step-father. In the early 2000s he moved to Dunedin, met and married Katharine Webb, and they had two children together – Bradley and then Ellen. In May 2013 Katharine Webb initiated a separation. Later that month Livingstone was referred to a psychiatrist because of a 'domestic violence incident'. About the same time Webb applied for a Protection Order against Livingstone, which was made final in late July 2013. The Protection Order meant that Livingstone was not supposed to contact Webb, nor was he supposed to come onto Webb's property. In addition, Livingstone was to see his children only under supervision.

In early August 2013 Livingstone emailed and repeatedly telephoned Webb. This behaviour led to Livingstone being charged with breaching the protection order. Both Livingstone's psychiatrist and his psychotherapist supported him in court, with the psychiatrist claiming that Livingstone was suffering from depression and a negative reaction to anti-smoking medication. The charges were waived on condition that Livingstone attend a 12-week stopping violence course. In mid-September Livingstone again breached the protection order by ringing and leaving a recorded message for Webb. Despite reports from Webb that she felt constantly harassed and fearful for her own safety and the safety of their children, Livingstone was discharged without conviction because the Judge believed that a conviction, which would almost certainly cause Livingstone to lose his job, would have been out of proportion to the offence committed. On 16 January 2014 Livingstone, armed with a shot gun and a can of petrol, used a secreted key to enter Webb's home. Webb ran to a nearby neighbour for help. Shortly after, Livingstone shot his two children in their beds and, following an altercation with his former neighbour, committed suicide.

Analysis

As I show in this section, media portrayals of the abductions of the Jelich and Jones cases were framed by fathers' rights discourse on custody disputes that blame father loss on unjustified maternal hostility, and thereby constructs fathers as sympathetic figures in pain. Thus, in spite of the fact that Stephen Jelich had abducted his daughter and hence brought about what was, at the time, an indeterminate period of maternal loss, what was foregrounded by the media was his imminent separation from Caitlin, a separation that Stephen Jelich blamed on an unreasonable and headstrong ex-spouse in the first instance, and an unjust family court system in the second. Similarly, in the Jones case, the abductor was a man (that is, Dick Headley) yet Chris Jones's loss of Jayden was attributed to a maternal agent, Kay Skelton. The media focus on Kay Skelton was such that Dick Headley barely featured in the media narrative created during the abduction. The sympathetic construction of the fathers at the centre of these cases was in marked contrast to the portrayal of Diane Jelich and Kay Skelton who, as I discuss elsewhere (Elizabeth 2010), were represented as morally flawed agents because of their apparent contempt for the father-child bond.

Fathers' rights discourse appeared to have little, if any, role to play in the framing of Edward Livingstone. Instead newspaper coverage of Edward Livingstone drew on a mental illness discourse, together with a discourse of dangerous and vengeful fathers that has its roots in the anti-domestic violence movement, to define Livingstone as the agent of the tragic loss of his innocent children's lives, and hence someone with whom the public could have little sympathy.

As if to confirm the central relevance of father loss to the custody disputes that served as the backdrop to the abductions of Caitlin Jelich and Jayden Headley, Stephen Jelich and Chris Jones were portrayed by the media as figures in pain who were desperate to have ongoing relationships with their children. So, for example, Jelich was quoted as saying:

I was supposed to return Caitlin to her mother on the morning of [Sunday] the 9th. On the Friday night I was giving my girl dinner and thought, 'this is the second to last time I'm going to be doing this', he said, his voice breaking. 'I was basically going to hand her over to her mother knowing the life she was going to. I couldn't do that to her. She deserves more than that. (*The New Zealand Herald* 2005)

Likewise, readers were told that Chris Jones was so desperate to be reunited with his son that he had put 'his life on hold':

Mr Jones said he had stopped going to work because 'I'd just lose it' if there was any more stress in his life. He was speaking to police twice a day. He woke some days with 'little glimmers of hope' that his son would be back – but was constantly disappointed. 'Sometimes you just sense "today's going to be the day", and it proves not to be. You have to dig pretty deep not to go into depression'. (Harward 2006)

The sympathetic construction of Stephen Jelichich and Chris Jones was further enhanced by images and stories that drew on fathers' rights appropriation of the involved new father to suggest that both men embodied this idealised version of contemporary fatherhood. Pictures of Stephen Jelichich bottle-feeding baby Caitlin appeared several times during the ten days of the abduction as if to emphasise his nurturing qualities. This construction was bolstered by his family's description of him as a father who 'was tucked away somewhere, loving his baby to bits' (*Dominion Post* 2005). The repeated publication of photographs of Chris Jones in close embrace with a smiling Jayden, and with his pregnant and smiling partner of five years, Anita Hall, operated similarly to construct Chris Jones as a good family man. This construction was reinforced, during the five months of Jayden's abduction, with stories that regularly appeared in which Chris Jones described himself as a thoughtful and involved father who shared everyday activities with Jayden, bought him Christmas presents, planned family holidays when Jayden returned and had decided to reduce the amount of time he spent at work so as to spend more time with Jayden.

However, neither Chris Jones nor Stephen Jelichich was represented simply as examples of new, involved fatherhood. As good family men both were positioned by the media, and also positioned themselves, within a more traditional fatherhood discourse that granted them the right to speak authoritatively about their children's wellbeing. Thus Stephen Jelichich argued that Caitlin's material wellbeing would be secured by her remaining in New Zealand; returning her to Wales would consign her to a life of poverty and cramped living quarters. Similarly Chris Jones repeatedly declared himself to be the guardian of Jayden's welfare in statements such as this:

I would never treat a child the way Kay has led people to believe, let alone my own child. She [Skelton] needs to pull her head in and think about Jayden for a change. (*The New Zealand Herald* 2007)

Such comments furthered the construction of Stephen Jelichich and Chris Jones as highly committed fathers, who appeared willing to 'fight' to protect their vulnerable children from harm and who, therefore, deserved support from the public and official institutions.

Significantly, fathers' rights discourse also seems to have incited these fathers to assume the kinds of masculine subjectivities that Jordan (2014) identifies as being prevalent amongst members of the fathers' rights movement in the United Kingdom. Specifically, both Jelichich and Jones assumed the mantle of heroic fighters for justice, who sought nothing more than an ongoing relationship with their children (Jordan 2014; see also Collier 2006; Wallbank 2007). According to the moral logic of the discourses emanating from the fathers' rights movement, had Stephen Jelichich simply let Caitlin return to the other side of the world with her mother, he would have failed his daughter and failed himself. Subjected to the incitements of fathers' rights discourse, Stephen Jelichich had 'no choice but to go on the run' (*The New Zealand Herald* 2005a), he couldn't say 'Sorry kid, there's nothing I can do to help you now' (*The New Zealand Herald* 2005b). Similarly, Chris Jones's uptake of the fathers' rights incitement to act led to him to keep in regular contact with the Police; hire three private detectives to search for his son for five weeks; allow his brother, Mark Jones, to launch a website (www.jayden.gen.nz) and distribute pamphlets publicising the names and addresses of those who were allegedly involved in

Jayden's kidnapping; and, finally, to take the unprecedented step of having his lawyer file a writ of *habeas corpus* against Kay Skelton and others believed to be involved in Jayden's abduction.

The pro-father discursive repertoires that the media heavily drew upon to sympathetically construct Jelich and Jones were considerably less apparent in the framing of Livingstone. One fathers' rights group (Families Apart Require Equality) did release a press statement suggesting that the root cause of the murder-suicide lay in destructive Family Court 'winner-takes-all battles', which leads some parents to become so desperate that they are driven to the 'extreme of murdering themselves and their children' (Families Apart Require Equality 2014). In other words, this press release drew upon a well-rehearsed fathers' rights claim that fathers who commit harmful and injurious actions against their family members do so because they are provoked by the actions of others, typically their former partners and the family courts (Collier 2006; Flood 2010; Kaye and Tolmie 1998; Neale and Worrell 2010). However, this explanation of Livingstone's actions was not explicitly picked up by journalists reporting on the filicide-suicide, perhaps because his actions were considered beyond the pale.

Instead, the media presented Livingstone as an object of bewilderment and opprobrium: he was a man inexplicably transformed from a loving stay-at-home Dad to a child murderer. For instance, on the day after the shootings, a newspaper article noted that:

Details about the troubled last months of Livingstone, 51, are emerging but what made him *snap* before he drove to his estranged wife's Dunedin house and killed the couple's children before shooting himself is a *mystery* [emphasis added]. (Otago Daily Times 2014b)

Echoing the idea of the crime as inexplicable, a former neighbour, Geoffrey Vine, was quoted as saying:

The *big unanswered question* from me is what drove this transition from a thoroughly nice man to a monster. You don't become that overnight [emphasis added]. (Fisher 2014a)

In casting Livingstone as a loving family man, both of these statements reference fathers' rights notions that men commit such egregious acts of violence when they have simply been pushed too far. Such representations have the effect of shifting responsibility for the violence away from the perpetrator and onto circumstances beyond the perpetrator's control, as Neale and Worrell (2010) point out in their media analysis of a familicide-suicide in the United Kingdom.

Having presented the Livingstone filicide-suicide as a mystery, how did the media explain his actions? The news media presented two competing accounts of Livingstone: either he had become mentally unwell in the aftermath of his marital separation (that is, he was mad) or he was simply a dangerous and vengeful husband and father (that is, he was bad). Comments made by Livingstone's psychiatrist and psychotherapist during the court hearing for his two breaches of the Protection Order lent support to the former interpretation. His psychiatrist indicated 'he was clearly suffering with moderately severe depressive order' as a result of the marital breakdown and that Livingstone had also experienced a brief psychotic episode as a result of a reaction to a drug he was taking (Fisher 2014b). In the psychiatrist's estimation Livingstone's mental health problems were in the past and he no longer posed a danger to his former wife or children. Similarly, his psychotherapist claimed that she did not believe that Livingstone was a violent man; rather he was suffering from severe depression as a result of unaddressed childhood trauma.

This construction of Livingstone as a father and former husband who was safe was contradicted by his former wife who was reported to be 'so scared of Livingstone that she slept ... with a loud

panic alarm beside her bed' and had asked neighbours to call the police immediately if they ever heard it go off 'because it was him doing something' (*Otago Daily Times* 2014a). The court judgments of the breaches make it clear that Webb consistently represented Livingstone as somebody who was dangerous and posed a risk to her and the children's safety (*Otago Daily Times* 2014a). Neighbours also cast Livingstone as someone with violent inclinations and spoke of the murder-suicide as a 'premeditated act' (*Otago Daily Times* 2014a, 2014b). As one neighbour was reported as saying:

He was consumed with revenge. The kids were Katharine's life – they were the centre of her universe – and he knew that killing them was the worst thing he could do to her, and that's why he did it. (*Otago Daily Times* 2014a)

However, this neighbour seemed unable to comprehend Livingstone's vengeful intent outside of a disturbance to his mental health, saying that Livingstone was psychotic and suffering from serious mental health problems.

Further support for the construction of Livingstone as a dangerous and vengeful former husband came from reports by friends, who pointed out that Livingstone had cancelled the insurance on the family home in December, an act they believed signalled his intention to leave his wife with nothing (Fisher 2014a). A similar conclusion was drawn by a family violence agency spokeswoman, Jillian Proudfoot, who said: 'There was nothing mental health about it. It was revenge and punishment' (Fisher 2014a). Revelations several months later that Livingstone had a criminal past in Australia lent additional support to the interpretation of Livingstone as a dangerous and vengeful man; 30 years previously, Livingstone had been convicted of arson in Sydney when he had attempted to burn down the house of his former girlfriend when she broke up with him (*Otago Daily Times* 2014c). Livingstone, it seemed, had a history of being violent to those who he said he loved when his world was unravelling through the ending of a relationship.

Conclusion

Two of the fathers at the centre of the three cases analysed herein were represented sympathetically as basically good fathers who were engaged in a heroic fight to preserve their relationship with their child, something they are morally required to do by contemporary constructions of the good father, a construct that informs and is informed by fathers' rights discourse (Collier 2006; Jordan 2014; Wallbank 2007). The egregious act of violence perpetrated by the father at the centre of the third case meant that he was represented as a tainted and unsympathetic figure (Websdale and Alvarez 1998). Such a divergence in the construction of separated fathers in high profile news media stories would seem to suggest a certain contingency in news media reporting and to also point to the limits of fathers' rights discourse in legitimating and neutralising the actions of fathers in pain over the loss of intimate personal relationships. Indeed the use of domestic violence discourse to narrate the story of Edward Livingstone would seem to indicate that this discourse also operates powerfully to produce meaning in high profile cases and may even eclipse the power of fathers' rights discourses in some circumstances. However, the critical potential of the media's recourse to domestic violence discourse was circumscribed by a practice called forensic journalism by Websdale and Alvarez (1998).

Forensic journalism consists of reporting details of the offence and situational factors associated with it to the neglect of any reference to broader contextual patterns and their structural underpinnings (Websdale and Alvarez 1998). Thus readers were made aware of Livingstone's threatening behaviour in the aftermath of his separation from Katharine Webb, but no mention was made of the role of violence in the separation itself, or in marital separations more broadly. It was therefore possible to interpret Livingstone's violence as the effect of a short term mental

health problem that was the result of the end of his marriage, rather than his violence being the cause for the separation. This had the effect of isolating his actions from a broader relational and social context, so that readers were not encouraged to see his filicide-suicide as part of the social pattern of domestic violence with its socio-cultural roots in the continued existence of the patriarchal heterosexual family (Dragiewicz 2011; Kirkwood 2012; Neale and Worrell 2010; Websdale 2010; Websdale and Alvarez 1998).

A forensic approach was also apparent in the two custody abductions and this operated in tandem with fathers' rights discourse to prevent a more contextualised reading of the two cases. Specifically, the failure to connect conflictual separations and custody disputes with a history of violence and coercive control meant that the propensity of both Stephen Jelichich and Chris Jones to engage in fighting talk and actions could not be easily read as signs of illegitimate domination. Thus, the aggressive tone of some of Jones's statements went without comment rather than being treated as evidence of his willingness to act coercively in relation to either Kay or Jayden, something he stood accused of by Skelton. Nor was the filing of the writ of *habeas corpus* against Skelton, which led to her incarceration for several months, and Jones' subsequent application for legal costs of NZ\$100,000 against Skelton, which rendered her bankrupt, perceived as an example of problematic antipathy or force. Rather the reading public was encouraged to see Jones' talk and actions as arising from frustration at Skelton's attempts to thwart his relationship with Jayden; in essence, Kay Skelton was to blame for her own misfortune.

Similarly, no connection was made between Stephen Jelichich's fighting talk and Diane Jelichich's residence in a Women's Refuge prior to her departure from Auckland, something that suggested Stephen Jelichich may have been violent and/or abusive towards his former wife. Instead, readers were told on several occasions that Diane Jelichich faced a charge of assault against Stephen, a reference that suggested a marital relationship characterised by at best mutual combat or at worst the violent victimisation of Stephen. The media's willingness to draw on fathers' rights discourse to exonerate Stephen and to blame Diane for the circumstances that precipitated Caitlin's abduction is further evidenced in the following statement:

It is not hard to understand the emotions that led Jelichich to take such desperate action. The idea of being involuntarily separated from a child is unbearable to most parents. (*The Press* 2005)

So although Stephen Jelichich's actions were almost always judged to be legally wrong, they were nevertheless rendered intelligible as the actions of a father who was deeply attached to his baby girl. Put another way, Stephen Jelichich retained his moral status as a good father who deserved our sympathy in spite of the illegality of his actions.

More worryingly, the neutralisation of the men's fighting talk and actions in the news media had the effect of obscuring the role that inducements to fight by fathers' rights discourse might play in injuring women and children. The research literature on custody disputes indicates that it is often coercive fathers who pursue custody and/or contact provisions aggressively and tenaciously through family courts as part of their ongoing harassment of their former partners (Boyd 2003; Elizabeth, Gavey and Tolmie 2012a, 2012b; Meier 2009; Miller and Smolter 2011; Stark 2007, 2009). Moreover, when legal processes fail to deliver the results coercive fathers wish, they not infrequently resort to more forceful means of achieving their desired ends; for example, custody abductions or even child homicide.

Many mothers view the loss of day-to-day care or, even more catastrophically, the loss of their child's life 'as the worst thing that can happen to them' (Meier 2009: 234). While the news media presented the loss faced by Katharine Webb in justly appalling terms, our ability to recognise either Diane's or Kay's experience of maternal loss as a result of the actions of the fathers of their children was blindsided by the media's overwhelming entrancement with both

men as apparently dedicated fathers; their dedication to the cause of their children turned them into men to be celebrated and not condemned. The media's preoccupation with these men speaks to the relative power of fathers' rights discourse, working in tandem with other policy and legal discourses, in centralising and valorising the presence of fathers in the post-separation family, a state of affairs that has had the effect of requiring women to act in the service of men as fathers (Lacroix 2006; Smart and Neale 1999b). The news media's contribution to the hegemonic production of the post-separation family as one characterised by ongoing paternal presence and authority, on the one hand, and continued maternal subordination and servicing, on the other hand, surely reflects the media's willingness to operate as a handmaiden of fathers' rights.⁴

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¹ Although the focus is on New Zealand cases and their treatment in the New Zealand media, cases of murder-suicide have attracted media attention in other parts of the Anglo-West, as Neale and Worrell (2010) document in relation to the United Kingdom. Similarly, custody abductions have also been the subject of media attention in Canada, the United States and United Kingdom.

² Under New Zealand law there is no requirement to start deliberations over care and contact arrangements for children when their parents live apart by considering equal shared care or even substantial and significant time with the non-residential parent. Rather, courts are supposed to resolve disputes over care and contact arrangements with reference to the specific interests of the child/children that are before the court (Tolmie, Elizabeth and Gavey 2010a).

³ While fathers in New Zealand have responded to the demands of new fatherhood by becoming more involved in their children's lives, a gender division of labour continues to structure many intact families in New Zealand, with the result that mothers continue to provide more hands-on care and do more housework than fathers (Luketina, Davidson and Palmer 2009).

⁴ The practice of forensic journalism and the decontextualised news accounts it produces obviously underpins the media's role as the handmaiden of fathers' rights discourse in cases such as those analysed herein. It could be anticipated, therefore, that the development of journalistic practices that provide readers with greater insight into important aspects of the relational and social context of such stories would diminish the representational power of fathers' rights discourse, both in the media and in courts.

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