

capital-intensive work supplying high-tech components to China's low-wage assembly plants. The net effect has been a huge increase in global output of everything from mobile phones to game machines—with a resulting benefit to the world's consumers in ever lower prices and ever greater functionality.

In geopolitical terms, the result is that Japan is now far more securely in the lead in advanced manufacturing than it ever was in the late 1980s. This does not show up in American trade statistics because much of what Japan sells to the United States these days comes via final assembly plants in China and thus is counted for American statistical purposes as "Made in China."

While Japan is the most spectacular example of a nation that has secretly leveraged Chinese industrialization to the advantage of its export industries, it is hardly alone. This should be obvious from the fact that China's surplus with the United States exceeds its surplus with the world as a whole. In other words, while China is a huge net exporter to the United States, it is actually a major net importer from the rest of the world.

It is fair to say that, in common with Japan, many of the world's other advanced manufacturing nations are using China as an export pipeline through which to sell to the United States. It is also fair to say that, not for the first time, Uncle Sam is being treated as the world trading system's ultimate patsy.

Why isn't all this better understood? A key factor is the Washington trade lobby. So skilled has it become in spinning the story that it has succeeded in pulling the wool over the eyes of countless analysts at supposedly independent think tanks.

Another factor is the perennial naïvety of American foreign correspondents. The problem is particularly acute in Tokyo, where the local English-language press functions shamelessly as the Japanese Foreign Ministry's propa-

ganda arm. The message in recent years has been that Japanese industry is almost ludicrously dysfunctional—and therefore is quaking in its boots at the rise of Chinese manufacturing. The tone of desperation was nicely encapsulated in an op-ed article recently by corporate chieftain Nobuyuki Idei. Under the headline "Nation's competitiveness must be recovered," Idei bemoaned Japan's allegedly widespread economic inefficiency and a general decline in competitiveness. But how inefficient can a nation be if it boasts the largest trade surplus in world history and pays some of the world's highest wages? (Japanese wages now run about 20 percent higher than American levels.) Idei,

of course, did not mention these points. Also left unsaid was the fact that Idei's own corporation has multiplied its dollar-denominated sales nearly four-fold over the last 15 years.

What should the United States do? Clearly it cannot—and should not—attempt to emulate everything a highly regulated nation like Japan does. But it could make a start by doing some things that, until recently at least, have always been in the best American traditions—like being honest with itself. ■

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## Violence Against Families

Fathers fall victim to domestic-abuse laws.

**By Stephen Baskerville**

FEMINISTS ARE PLAYING the victim card with a vengeance, mostly because it is the only card left, with sympathy for feminism's strident campaigns at a low point. Yet beneath the media radar, victimhood has helped feminism advance virtually unopposed to aggrandize power in realms few perceive.

Victim politics requires exploiting traditional gender roles. This does not mean feminism has moderated; simply that it has exchanged ideological purity for power. Much as Stalinism inherited the habits of czarist absolutism and nationalism, feminism now exploits the stereotype of helpless damsels in distress and the public's good intentions.

Today's foremost case in point is the Violence Against Women Act (VAWA), currently up for reauthorization in Congress. VAWA appeals to mom-and-apple-pie sentiments: what legislator can

oppose protecting women? The bill commands bipartisan sponsorship, and its renewal in 2000 was mostly unopposed.

Yet VAWA illustrates a serious problem with political conservatism and demonstrates how the Left advances despite its unpopularity. More than a failure of nerve, VAWA exemplifies a trend not so much to discard traditional values as to politicize them. Politicians can posture as champions of motherhood and family while turning them over to the safekeeping of the state. Thus domestic-violence legislation is pitched as an appeal to male chivalry, and Republicans are quick to volunteer. In contrast to traditional chivalry, however, today's political version does not proceed from personal duty and requires no risk or heroism. The galantry feminists demand is bureaucratic, exercised by functionaries who wield

state power that they expand as a result.

"Domestic violence" is now a vast and growing government industry. Yet the term has never been clearly defined. Given that criminal statutes against violent assault already exist, precisely what purpose is served by laws creating special categories of crime of which only some people can be victims? Domestic violence designates criminals politically, in terms of their membership in a group rather than acts they have actually committed. It also creates crimes based on relationships rather than deeds. Conflict that is not criminal between strangers becomes a crime between "intimate partners."

Whereas criminal assault charges require due process of law, designating a matter "domestic violence" circumvents constitutional protections. Law-abiding citizens are issued "restraining orders" that do not punish them for illegal actions but prohibit them from otherwise legal ones. Because violent assault is already punishable, the only people effectively restrained are peaceful ones.

Men's groups complain that VAWA excludes male victims and point to research showing that men are equally likely to be victims of domestic assault. Yet something more than "gender bias" is at work. Though advertised to protect women, VAWA's provisions are better seen as weapons in divorce and custody battles. As Thomas Kasper writes in the *Illinois Bar Journal*, measures funded by VAWA readily "become part of the gamesmanship of divorce." Groups like the New Hampshire Coalition Against Domestic and Sexual Violence lobby strenuously on custody laws, using unverifiable assertions like "80% of fathers who desire shared custody of their children fit the profile of a batterer."

Restraining orders are routinely issued without any evidence of wrongdoing to criminalize fathers' contact with their own children. "Restraining orders and orders to vacate are granted

to virtually all who apply," and "the facts have become irrelevant," writes Elaine Epstein, former president of the Massachusetts Women's Bar Association. "In virtually all cases, no notice, meaningful hearing, or impartial weighing of evidence is to be had."

Even feminists backhandedly acknowledge what the social-science literature clearly establishes: domestic violence and child abuse are overwhelmingly phenomena not of intact families but of separated and separating families and that the safest environment for women and children is a two-parent home. By encouraging marital breakup, VAWA exacerbates the problem it ostensibly exists to solve.

VAWA also blurs the distinction between violent crime and ordinary disagreement. Federally funded groups like the National Victim Assistance Academy (NVAA) and the Justice Department itself use vague and subjective terms to define "violence" where none took place: "extreme jealousy and possessiveness," "name-calling and constant criticizing, insulting, and belittling the victim," "blaming the victim for everything," "ignoring, dismissing, or ridiculing the victim's needs."

If domestic violence were a major problem, one would expect limited resources to be reserved for serious cases and those concerned about true violence to resist this cheapening of the language whereby the stuff of lovers' quarrels becomes grounds for arrest. Instead, activists use vague terms to imply criminal violence where none has taken place. In *The Battered Woman*, psychologist Lenore Walker excuses a woman who violently attacked her husband because he "had been battering her by ignoring her and by working late."

Though part of VAWA was declared unconstitutional on federalist grounds, the judiciary refuses to pass constitutional review. On the contrary, it is

implemented by the very judiciary that is normally expected to protect constitutional rights. Strikingly, judges openly acknowledge the unconstitutionality—and their own indifference to it. "Your job is not to become concerned about all the constitutional rights of the man that you're violating as you grant a restraining order," New Jersey municipal court Judge Richard Russell told fellow judges at a government-run training seminar in 1994. "Throw him out on the street, give him the clothes on his back and tell him, 'See ya around.'"

VAWA also funds special courts to administer not equal justice but feminist justice: ideological justice reminiscent of the French Revolution's political tribunals or Hitler's dreaded "people's courts." Some 300 "integrated domestic violence courts" now operate nationwide. In New York, Chief Judge Judith Kaye declares that the courts are created not to dispense impartial justice but to facilitate punishment: "to make batterers and abusers take responsibility for their actions."

These courts bear little relation to most Americans' understanding of due process. There is no presumption of innocence, hearsay evidence is admissible, and defendants have no right to confront their accusers. Even forced confessions are extracted. Warren County, Pennsylvania, requires fathers like Robert Pessia, on pain of incarceration, to sign prefabricated confessions stating, "I have physically and emotionally battered my partner." The father must then describe the violence, even if he insists he committed none. The formulaic documents state, "I am responsible for the violence I used. My behavior was not provoked."

VAWA also subsidizes ideological advocacy of feminist organizations. Though Republicans in particular are feeding a mouth that bites them, the larger principle is whether taxpayers should ever sponsor political ideology. "If there is any

fixed star in our constitutional constellation," wrote Supreme Court Justice Robert Jackson, "it is that no official, high or petty, can prescribe what shall be orthodox politics, nationalism, religion, or other matters of opinion."

Especially questionable is federal funding of lobbying by judges, who are professionally obligated to be apolitical. The National Council of Juvenile and Family Court Judges (NCJFCJ)—consisting of judges who sit on actual cases and are required to be impartial—receives federal support to attack fathers' groups and fathers themselves for being "at odds with the safety needs of the rest of the family." Can fathers

excluded from categorization as domestic violence: shootings in the back, hired killers, midnight castrations, attacks with cars. Not only does this violence seldom elicit public sympathy; it is not foremost among the terrors of men themselves. "The most common theme among abused men is their tales not of physical anguish but of dispossession," writes Patricia Pearson in *When She Was Bad*, "—losing custody of children due to accusations of physical and sexual abuse." "They may never see their children again," says Philip Cook, author of *Abused Men*. "They don't feel that they will get a fair shake in the courts regarding custody no matter

"women (the majority of whom are natural mothers) murder children 31.6 times more often than do natural fathers." A study by the Family Education Trust found children are up to 33 times more likely to be abused in a home without a father.

This is precisely the home environment VAWA subsidizes. Judges claim they remove fathers, even without evidence of abuse, to "err on the side of caution." In fact, they are erring on the side of danger, and it is difficult to believe they do not realize it. Recalling Dickens's observation that "the one great principle of the ... law is to make business for itself," the domestic-violence industry appears to be making business for itself by creating the environment conducive to child abuse.

Appalling as this sounds, this proceeds from the logic inherent in all bureaucracies: to perpetuate the problems they ostensibly exist to address. It gains plausibility from the verbal smoke-and-mirrors domestic-violence activists employ. "Adult domestic violence and child maltreatment often occur together," says Meredith Hofford of the NCJFCJ, "with the same assailant responsible for both." Hofford provides no documentation, but to the extent it is true, the "assailant" is likely to be not the father but the single mother. Hofford herself wants more money to "support" what she describes as "battered women who maltreat their children." This spiral of more funding to address the "needs" created by the previous funding illustrates how the domestic-violence juggernaut, and with it the crisis of family dissolution and fatherless children, will continue to expand until we learn to ignore hysterical people whom the government pays to cry wolf. ■

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## NATURAL FATHERS COMMIT A SMALL FRACTION OF CHILD ABUSE.

summoned before these judges expect equal justice? NCJFCJ advocates administrative termination of paternal rights, termination of fathers' rights to see their children with no evidence of violence, ignoring officials who question abuse allegations, ignoring visitation orders, re-education of judges, and labeling law-abiding American citizens who criticize the government as "dangerous." They even seem to endorse the fabrication of evidence and a presumption of guilt. NVAA's Jacobin-style agenda is likewise endorsed and disseminated by the Justice Department: "establish a Family Violence Coordinating Council," "implement a massive community education program," "specialized domestic violence courts, and vertical prosecution," "fast track domestic violence prosecutions through priority docketing," "electronic monitoring," and "warrantless searches of their persons or homes."

The complaint that VAWA excludes the large percentage of male victims is not petty. Men are much more likely to experience violence that is premeditated or contracted and which may be

what happens or what she does. And it's actually true. There are many cases ... in which a woman who was actually arrested for domestic violence still receive[d] custody of the children." Losing custody is not the only danger: "A battered man knows that if his wife has been abusing him, she has often been abusing the children," writes Warren Farrell. "Leaving her means leaving his children unprotected from her abuse."

Here we arrive at the most insidious consequence of the moral grandstanding by VAWA's champions. Though advocates rhetorically intermingle child abuse with domestic violence, natural fathers commit a small fraction of child abuse; the overwhelming bulk is committed in single-parent homes. "Contrary to public perception," write Patrick Fagan and Dorothy Hanks of the Heritage Foundation, "the most likely physical abuser of a young child will be that child's mother, not a male in the household." Fathers commit 6.5 percent of child murders, according to a Justice Department study. The Department of Health and Human Services found that