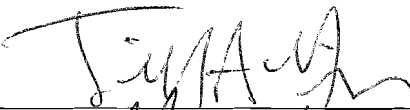
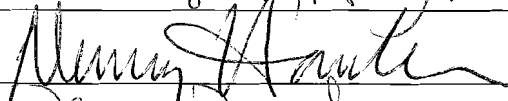

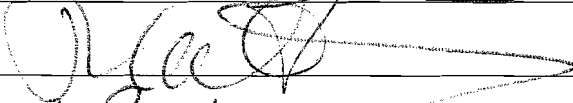
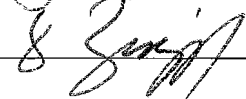


WHO'S YOUR DADDY? THE PATERNITY TEST AND THE CULTURAL LOGIC
OF PATERNITY

by

Kathalene A. Razzano
A Dissertation
Submitted to the
Graduate Faculty
of
George Mason University
in Partial Fulfillment of
The Requirements for the Degree
of
Doctor of Philosophy
Cultural Studies

Committee:

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DEDICATION

This is dedicated to those I've lost along the way; my teachers, mentors and friends Joe L. Kincheloe, Peter Brunette, and Jeanne Hall; my step-mother Linda Razzano; and my Pop, Gabriel Razzano. I miss each of you but carry you on with me.

I also dedicate this dissertation to my Grammies, Audrey Razzano. She's been waiting for me to (finally) finish so that she can call me "Doctor."

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LIST OF ABBREVIATIONS

Personal Responsibility and Work Opportunity Reconciliation Act of 1996.....	PRWORA
Child Enforcement Programs.....	CSE
Aid to Families with Dependent Children	AFDC
Temporary Assistance for Needy Families.....	TANF
Deadbeat Parents Punishment Act of 1998.....	DPPA
Child Support Recovery Act of 1992	CSRA
Ethnographic Content Analysis	ECA
Discourse Analysis I	DAI
Discourse Analysis II.....	DAII

ABSTRACT

Who's Your Daddy?: The Paternity Test and the Cultural Logic of Paternity

Kathalene A. Razzano, Ph.D.

George Mason University, 2012

Dissertation Director: Dr. Timothy Gibson

This dissertation takes the paternity test as its object in order to explore how the question of paternity functions in the contemporary United States. What does paternity really mean? Why do we ask the question? Who asks the question? And what are the material and nonmaterial gains when we ask the question? These questions require scholars to reconsider the very logic behind the “search for paternal truth.” Using an analysis informed by theories of governmentality, feminist social theory and political economy, this dissertation interrogates the search for paternal truth and the larger cultural logic of paternity by studying the use, implementation and consequences of the paternity test in popular culture, welfare legislation, and child support law. In doing so, the dissertation concludes by exploring possibilities for rethinking social, legal and economic institutions and apparatuses which determine and define the needs and responsibilities of families as well as the roles that individual people play within the family. In the end, this dissertation examines the paternity test as an object that offers a gateway to larger questions of

motherhood/ fatherhood/parenting as well as government, legal and scientific understandings of families, children, men and women.

INTRODUCTION: THE PATERNITY TEST AND THE CULTURAL LOGIC OF PATERNITY

During a 2002 *Montel* episode titled “Paternity Questions—Are the Rumors True?” the host Montel Williams reveals paternity test results to a visibly upset teenage girl and her mother as well as a visibly agitated teenage boy. Williams says:

What I am going to hand over to you is admissible in a court of law. Okay? This is a true DNA test. [Speaking to the boy] So, to an accuracy of 99.999% this has been your child for the whole 18 month period. [Turning to the girl] So, since on the show he has made an admission to the fact that he has a job, you can take that down to a family court and they can garnish his wage. [Back to the boy] It really has nothing to do with whether or not someone lets you see the child or not, or whether you have difficulty in your visitation. You are a father. And, I don’t care if you never see your child again for the next 18 years. I hope that the court takes money out of your check every day so we don’t have to pay for your child.¹

As this statement demonstrates, the paternity test is a product with spectacular empirical authority, and as such, it is also a document with legal, social and economic implications. This dissertation takes the paternity test as its object in order to explore how the question of paternity functions in the contemporary United States. What does paternity really mean? Why do we ask the question? Who asks the question? And what are the material and nonmaterial gains when we ask the question? These questions require us to

¹ “Paternity Questions. . .Are the Rumors True?” *Montel*. CBS. WUSA, Airdate May 6, 2002.

reconsider the cultural-political logics which lie behind the “search for paternal truth.”

This reconsideration is the purpose of this dissertation.

Paternity Testing and the Policy Focus of Fatherhood: A Brief Introduction

As I explain in more detail below, the recent interest in paternity testing on television talk shows can be linked to a larger public concern with fatherhood and fatherlessness. Underscoring the very question of paternity are issues of fatherhood, a cultural logic of paternity, and traditions of patriarchy. These questions, cultural logics, and traditions manifest in the family and in the roles assigned to mothers and to fathers. But why the current interest in paternity? Why the search for the father, and, more specifically, in the use of the paternity test, why the search for the *biological* father?

Aside from the technology and the spectacle evidenced in the talk show, current research suggests that a logic of paternity works to reinstate the role of the father. Indeed, I argue that the overarching logic of paternity—a logic which ties together a number of sometimes overlapping, sometimes contradictory claims about paternity and the family—is the cultural-political discourse which tells us that “kids need fathers.”

An interest in the very idea and function of fatherhood is certainly not a new topic. However, since at least the 1960s, fatherhood has become a growing subject of concern among policy-makers. In recent years, there has been increasing attention placed on the reasons for and impact of “fatherlessness,” and much of this attention positions the “loss of the father” in the family as a key indicator of social decay. For example, in 2000, *The CQ Researcher* put forth one of the more interesting arguments circulating about the resurgence of fatherhood initiatives and its underlying logic of paternity. In this issue,

David Blankenhorn, author of *Fatherless America*, argues that fatherlessness is a social issue of concern to all races and suggests that families headed by single mothers should be viewed as signs of social decline.

At the same time, this focus on fatherhood has roots that go back decades in American social policy circles. In 1965, for instance, the famous Moynihan Report, issued by former senator and then assistant secretary of state Daniel Moynihan, claimed that “[a]t the heart of the deterioration of the fabric of Negro society is the deterioration of the Negro family.”² At a time when the nuclear family structure was the white norm (more than 90% of white families were nuclear families), Moynihan and others at the Department of Labor noticed an increasing trend in the African-American community. They found that nearly a quarter of all marriages ended in divorce and a quarter of all births were to unwed mothers. Acknowledging the centuries-long systematic oppression of African-Americans and the cycle of poverty put into place by this oppression, the report called for a strengthening of the family. Such faith was put into the nuclear family structure that it was deemed the site for government intervention. If only the family would stay intact, the cycle of racism, of job discrimination, and of welfare dependence would eventually disappear. In short, for the authors of the Moynihan Report, the presence of the father had become a prominent solution for the war on poverty and the program of national reform.³

² *The Negro Family: The Case for National Action* (Washington, D.C.: United States Department of Labor, 1965).

³ Of course, this report was viewed harshly by civil rights activists, social leaders and academics who argued the emphasis should be on programs to reduce poverty and racism. See William Ryan, “Savage Discovery: The Moynihan Report,” *The Nation* 201 (November 22, 1965): 380-384.; Laura Carper, “The Negro Family and the Moynihan Report,” *Dissent* 13 (March-April 1966): 133-140.; Gertrude S. Goldberg,

For his part, writing at the beginning of the 2000s, Blankenhorn argues that the current resurgence of fatherhood initiatives in the 21st century has to do with the fact that, in the 1990s, the rate of divorce among white families and the rate of births to single white mothers reached the same rates as black families and single black mothers in 1965. Indeed, a 2006 Congressional Research Service report suggests that, in 2000, right around the introduction of the paternity DNA test into popular culture, “33.1% of all U.S. births were to unmarried women.”⁴ In 2009, the CDC National Vital Statics Report “Births: Preliminary Data for 2007” finds that “[a]ll measures of childbearing by unmarried women rose to historic levels in 2007, with the number of births, birth rate, and the proportion of births to unmarried women increasing 3 to 5 percent.”⁵ The report puts the total percentage of unmarried births in 2007 to be 39.7% of all births. And in 2012, two studies emerged that show further increases in unmarried births. First, Child Trends, a research group studying children, families, welfare and poverty, released a report finding that between 2007 and 2010 more than half of births to American women under 30 occurred outside marriage.⁶ The second study was conducted by the CDC and finds that one in four babies in the USA are born to cohabitating, but unmarried, couples.⁷

“The Moynihan Report and it’s Critics: which side are you on?” *IRCD Bulletin* 3:2 (March 1966): 1-6.; Edmund Gordon, “Debate with Moynihan Continues,” *IRCD Bulletin* 3:2 (March 1966): 8-9.; Frank Riessman, “In Defense of the Negro Family,” *Dissent* 13 (March-April 1966): 141-144.;

⁴ U.S. Library of Congress, Congressional Research Service, “Paternity Establishment: Child Support and Beyond,” by Carmen Solomon-Fears, CRS Report RL31467 (Washington, DC: Office of Congressional Information and Publishing, June 24, 2002): 1.

⁵ Brady E. Hamilton, Joyce A. Martin, Stephanie J. Ventura, “Births: Preliminary data for 2007,” *National Vital Statistics Report* 57:12 (March 15, 2009): http://www.cdc.gov/nchs/data/nvsr/nvsr57/nvsr57_12.pdf.

⁶ Jason DeParle and Sabrina Tavernise, “For Women Under 30, Most Births Occur Outside Marriage,” *New York Times*, February 17, 2012, www.nytimes.com/2012/02/18/us/for-women-under-30-most-births-occur-outside-marriage.html.

⁷ Alexandra Sifferlin, “More Unwed Couples are Having Babies,” *Time*, April 13, 2012, <http://healthland.time.com/2012/04/13/more-unwed-couples-are-having-babies/>

Using these statistics, and given the persistence of poverty and inequality, sociologists, some African-American community leaders, religious groups and politicians have put the issue of fatherhood back in the spotlight.⁸ And, once again faced with the overwhelming task of social and political reform, families and fatherhood are offered as sites of intervention. Yet this time, as can be seen in the above example from the *Montel* show, the issue of fatherlessness is no longer confined to the African-American community. It has evolved into a “colorless,” although certainly not classless, social issue. Positioning the struggles of single mothers under the frame of fatherlessness reconstructs the terrain of these struggles. The solution moves away from giving aid and support to the mother to resurrecting and reintroducing the father. And now, nearly 50 years after the Moynihan report, the state has the technologies to do just that. Paternity testing has become the tool of resurrection and reintroduction. It resurrects the father through science and reintroduces him through the justice/welfare system.

From late 1990s into the 2000s, we have seen dramatic changes to the welfare and child support enforcement programs in the United States. One of the more striking developments was the move at the federal and state level to conclusively determine paternity for children born outside a marriage in order to secure child support. Federal legislation, such as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), has significantly revised the Child Support Enforcement program

⁸ See David Blankenhorn and Axel Roberts, “A Call for a New Revisionism: Scholarship on the Black Family Since the Moynihan Report,” *Center for Marriage and Families Research Brief* 9, (March 2008): <http://www.americanvalues.org/pdfs/researchbrief9.pdf>; Bryce Christensen, “Time for a New ‘Moynihan Report’? Confronting the National Family Crisis,” *The Family in America*, Published by The Howard Center for Family, Religion, and Society 18, no.10 (October 2004): <http://www.profam.org/pub/fia/fia1810.htm>; Kay S. Hymowitz, “The Black Family: 40 Years of Lies,” *City Journal* 14, no. 3 (Summer 2005): http://www.city-journal.org/html/15_3_black_family.html.

(CSE) in light of technological advances in DNA testing. Under these new statutes, mothers (and the states) are required to establish paternity for children born outside of marriage in order to secure government assistance (for mothers, assistance comes primarily from Temporary Assistance for Needy Families (TANF) and for the state, assistance comes from the federal government to help fund CSE and TANF programs). In instances where paternity is contested, the parties concerned are required to submit to DNA testing.

Despite the seemingly straightforward development, use and employment of the paternity test, a closer examination of the test reveals contradictions in our existing constructions of the family. For example, who is the “real” father of a child? Her biological father, or her rearing father? And, what is the responsibility of the biological father, not just in economic but in legal and even moral-ethical terms as well? As seen in the talk show and CSE cases outlined above, the father’s responsibility is often presented as purely financial, not emotional or social. But is such a contractual “family,” based on the coerced resurrection and reintroduction of the biological father, truly in the best interests of the child?

This is no idle question. In fact, taken together, the “best interests of the child” and “the marital presumption” are the two main legal concepts that guide the courts in paternity and child custody, and child support hearings, and so, it is worth explaining those two concepts here. The “best interest of the child” is a concept that is often used in family law to determine custody, foster care placement, and paternity determination. The U.S. Department of Health and Human Services point to some “guiding principles of best

interest determinations.” These include: “The importance of family integrity and preference for avoiding removal of the child from his/her home;” and “The health, safety, and/or protection of the child.”⁹ In addition to these guiding principles, the District of Columbia and 16 states have further factors for consideration in determining the best interests of the child such as the “emotional ties and relationships between the child and his or her parents;” “capacity of the parents to provide a safe home and adequate food, clothing, and medical care;” and “mental and physical health needs of the child.”¹⁰ These “best interest” guidelines and factors have been mobilized around the nuclear family through the logic of paternity, where “family” (as in “family integrity”) means a father and a mother.

Moreover, the marital presumption is a tenet of law that states that if a child is born to a married couple, the child is presumed to be the biological offspring of the husband. These two concepts become points of contention for “duped” dads, husbands who are not the biological fathers of their wives’ children, as well as men who have fathered children with women who are married to someone else. These cases force us to consider questions of justice and fairness, which is where the best interest of the child comes in to play. In short, the courts are charged with the task of determining and securing the best interest of the child, despite potential unfairness to the father-figure (via the marital presumption) or the mother. The child is figured as the innocent party and the one whose needs must first be served.

⁹ Child Welfare Information Gateway, *Determining the Best Interests of the Childs: Summary of State Laws*. U.S. Department of Health and Human Services, (March 2010): www.childwelfare.gov/systemwide/laws_policies/statutes/best_interest.cfm.

¹⁰ Ibid.,

Within this research on “best interest of the child” and the marital presumption, previous scholarship has pursued an interest in questions of fatherhood, specifically in delineating the differences between *social* fathers and *biological* fathers.¹¹ However there remains very little research on the use and impact of the paternity test itself. The test is a taken-for-granted object and thus it seems that many researchers do not ask how the use of the test itself illuminates, reinforces, and potentially reshapes conceptions of the family and the family’s relationship to the state. The most in-depth material on paternity comes from a report published by the Hastings Center in 2005. The Hastings Center a non-partisan, independent bioethics research institute with offices in both New York and Washington, D.C., sponsored three workshops and a public conference on the ways in which paternity testing has challenged and altered social, legal, political and economic conceptions of family. Specifically, these workshops revolved around the question “how should society resolve the tension between biological and social notions of the family?”¹²

My interests are in the same vein, but I take a different approach. In my interrogation of the paternity test, I have worked to denaturalize the question of paternity. In this study, I inquire whether the question of paternity itself—and especially the use of

¹¹ See Leslie Joan Harris, “A New Paternity Law for the Twenty-First Century: Of Biology, Social Function, Children’s Interests, and Betrayal,” *Williamette Law Review* 44 (2007): 297-336.; Catherine Wimberly, “Deadbeat Dads, Welfare Moms, and Uncle Sam: How the Child Support Recovery Act Punishes Single-Mother Families,” *Stanford Law Review* 53, no. 3 (Dec. 2000): 729-766.; Jane C. Murphy, “Legal Images of Fatherhood: Welfare Reform, Child Support Enforcement and Fatherless Children,” *Notre Dame Law Review* 81, no. 1 (2005): 325-386.; Laura Curran and Laura S. Abrams, “Making Men Into Dads: Fatherhood, the State, and Welfare Reform,” *Gender and Society* 14, no. 5 (Oct. 2000): 662-678.; Lynne Haney and Miranda March, “Married Fathers and Caring Daddies: Welfare Reform and the Discursive Politics of Paternity,” *Social Problems* 50, no. 4 (Nov. 2003): 461-481.

¹² Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, preface to *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder (Baltimore: Johns Hopkins University Press, 2005).

the paternity test to resurrect and reintroduce the father—erases, limits or devalues other possibilities for nurturing, productive families, parents and children. To this end, this dissertation explores the following questions:

1. How does the paternity test, in its development and deployment, reveal tensions and contradictions in our existing constructions of gender and the family?
2. How might the varied ways the paternity test is being used renegotiate the family as an institution and the family's relationship with the state?
3. How do the paternity test and the question of paternity reveal or suppress alternate formations of gender, the family and public policy?
4. Who has economic, political and/or moral investments in protecting and promoting the paternity test and the particular logics of paternity most closely associated with the test? Who has investments in reimagining or deconstructing the logics of paternity most closely associated with paternity testing and the search for the biological father?

Exploring these questions across multiple social and political domains—from television talk shows to welfare legislation to legal debates on child support enforcement and deadbeat dads—I ultimately argue that the paternity test offers an intersection where individual lives and conduct converge with medical, media, judicial, economic, and social/welfare institutions and policies. In short, I have found that, although this logic is not one-dimensional nor without internal contradictions, there is an overarching cultural logic of paternity that begins with the fundamental assumption that “kids need fathers” and which has become intimately intertwined with the paternity test in ways that shape how mothers, fathers, and kids connect with public institutions and policies. This is a

logic that always already permits some forms of conduct and excludes others, always already prefigures individuals as fathers and mothers. It works to naturalize and cover-over forms of exploitation and injustice that are inherent in the systems of science, economics, media institutions and public policy.

As we will see, women and men as mothers and fathers are culturally constructed identities with specific responsibilities and expected behaviors. My examination of the paternity test and the logic of paternity reveals ruptures and failures in these idealized parental and romantic roles. The search for paternity is, in part, an attempt to locate and remedy these failures through the justice and welfare systems as well as through popular culture. This dissertation argues that very concept of paternity keeps these failures and solutions trapped in the paternalistic discourse that creates them. We will see this notion of failure pop-up throughout this dissertation and I would like the reader to be alert to these moments of failure. I will, in Chapter 3, explore the function and possibilities of failure. I refer to these failures as “constitutive” failures and will examine the concept in-depth through an examination of Deadbeat Dads. Further, I challenge whether the logic of paternity and the responsibilities attached to it are reasonable for today’s families, if they ever were. Indeed, I conclude that the very question of paternity is the wrong question.

Background of the Problem

In order to address my research questions, I have to do a bit of stage-setting. There is a specific historical, economic, political and social context in which the question of paternity is being asked. This context can be understood as the convergence of

neoliberal and neoconservative rationalities. Following the work of Jamie Peck, Nik Theodore, and Neil Brenner, I understand neoliberal rationality as an “adaptive regime of socioeconomic governance” that is guided by a laissez faire market on a global scale in which everything becomes a commodity sold in the market (for our purposes, think of labor, time, knowledge, bodies and skills).¹³ In addition, it refigures citizens as consumers and is premised on a particular understanding of the individual as autonomous, self-disciplining and self-sufficient. Wendy Brown elaborates the consequences of a neoliberal rationality further:

As neoliberalism converts every political or social problem into market terms, it converts them to individual problems with market solutions... This conversion of socially, economically, and politically produced problems into consumer items depoliticizes what has been historically produced, and it especially depoliticizes capitalism itself. Moreover, as neoliberal political rationality devolves both political problems and solutions from public to private, it further dissipates political or public life: the project of navigating the social becomes entirely one of discerning, affording, and procuring a personal solution to every socially produced problem.¹⁴

Thus, I argue that the search for the “father” is, in part, a neoliberal move to address social issues such as poverty, discrimination, and crime, by redefining these social issues as *personal* failures/failings. Instead of looking for remedies at the macro level of public institutions and policy, the search for the father frames the remedy in terms of micro level, private solutions that refigure these larger social issues as personal problems and failings. Crime, teen pregnancy, low educational achievement, neglect, dependency are all social problems that have been handed over to the family to manage as a means of

¹³ Jamie Peck, Nik Theodore, and Neil Brenner, “Postneoliberalism and its Malcontents,” *Antipode* 41, no. S1 (2009): 94–116, doi: 10.1111/j.1467-8330.2009.00718.x.

¹⁴ Wendy Brown, “American Nightmare: Neoliberalism, Neoconservatism, and De-Democratization,” *Political Theory* 34, no. 6 (Dec. 2006): 704.

relieving the state of “paying for your child.” In turn, these social problems are then reduced to one primary cause within the family, fatherlessness. And so, the logic of paternity (kids need fathers) is mobilized to resurrect the father. It is at this point where a second rationality, the rationality of neoconservatism, comes into play.

Whereas we can understand neoliberalism as a “market-political” rationality, neoconservatism can be understood as a “moral-political” rationality.¹⁵ Here neoconservatism positions “fatherlessness” as a moral failure and, like neoliberalism, sees the family as the site of intervention. But unlike neoliberalism, this intervention is realized through regulation of the family by the state. Here, fatherlessness is associated with moral decay, a lack of responsibility, and failure to engage in the self-discipline necessary for appropriately performing one’s traditional-moral responsibilities within the family and community. Furthermore, these moral-ethical failures engender psychological, and emotional (i.e., not merely economic) problems for children, who then are viewed as “at risk” for perpetuating future moral decay. But in contrast to neoliberalism, neoconservatism turns to the state as a means of regulating the moral conduct of men, women and children through regulating the family. David Harvey speaks to these moments of synergy and dissonance:

What neoconservatives do is to change the ‘peculiar ways’ in which such questions enter into debate. Their aim is to counteract the dissolving effect of the chaos of individual interests that neoliberalism typically produces. They in no way depart from the neoliberal agenda of construction or restoration of a dominant class power. But they seek legitimacy for that power, as well as social control through construction of a climate of consent around a coherent set of moral values... The moral values centered on cultural nationalism, moral righteousness, Christianity (of a certain evangelical sort), family values, and right-

¹⁵ Brown, “American Nightmare,” 698.

to-life issues, and on antagonism to the new social movements such as feminism, gay rights, affirmative action, and environmentalism.¹⁶

And so we will see throughout this dissertation how the search for the father motivated by a *cultural* logic of paternity is both a neoliberal move as well as a neoconservative move. It at once seems to suture these two rationalities together, but it also points to ruptures where these rationalities conflict. And here I am using “cultural” with very clear intentions in that the cultural always already includes the political as well as the economic. Indeed, I am borrowing from Nancy Fraser who suggests that we “treat the terms ‘political,’ ‘economic,’ and ‘domestic’ as cultural classifications and ideological labels.”¹⁷

A cultural logic of paternity, then, is at the core a logic that declares, “kids need fathers.” However, there a number of contradictory motivations as to *why* kids *need* fathers, some which fall under neoliberal or neoconservative rationalities and others that may not (such as a child who may need to identify their biological father to test for a possible genetic cause for a medical condition). So, it is fair to say that there are multiple logics of paternity which specifically call for the resurrection of the father—ones which argue “kids need fathers” for the psychological well-being of children; others that argue fathers are necessary for the economic stability of the family; others that say fathers offer protection, discipline and moral authority; others that site statistics and studies constructing fatherless families as failed families; and yet others that shift social and

¹⁶ David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2005), 83-84

¹⁷ Nancy Fraser. “Struggle Over Needs: Outline of a Socialist-Feminist Critical Theory of Late-Capitalist Political Culture” in *Women, the State, and Welfare*, ed. Linda Gordon (Madison, WI: University of Wisconsin Press, 1990), 204. I appreciate Tracy McLoone for referring me back to Fraser’s articulation of culture around needs discourse.

economic responsibility for children onto both mothers and fathers. Most often a combination of these logics are used to support the basic claim that “kids need fathers,” in the media, in law, and in public policy, as we will see throughout the chapters ahead.

Thus, when I refer to “the logic of paternity” in this dissertation, I am referring to a particular, broadly conservative cultural logic of paternity which argues that “kids need fathers” from a social and political position which prioritizes *personal* over *social* responsibility. At the same time, under this overarching logic of paternity, one can often discern the mobilization of multiple rationalities, including a neoliberal (more or less libertarian) variant which resurrects fatherhood so that taxpayers are not held “responsible” for “other people’s children,” and a neo-conservative variant which mobilizes patriarchy to resurrect the father to restore moral-traditional roles and “strengthen families.” At times, as we will see, these neoconservative and neoliberal variants of the broader logic of paternity are marked by moments of congruity and incongruity. And so, I offer an examination of this particular logic of paternity for both what logics it makes apparent in the resurrection and reinsertion of the father, as well as what logics it dismisses. In the end, though, my challenge to any of these logics is that the attempt to resurrect and reinsert fathers into fatherless families misses other opportunities for thinking about and meeting the needs of children and their care-givers.

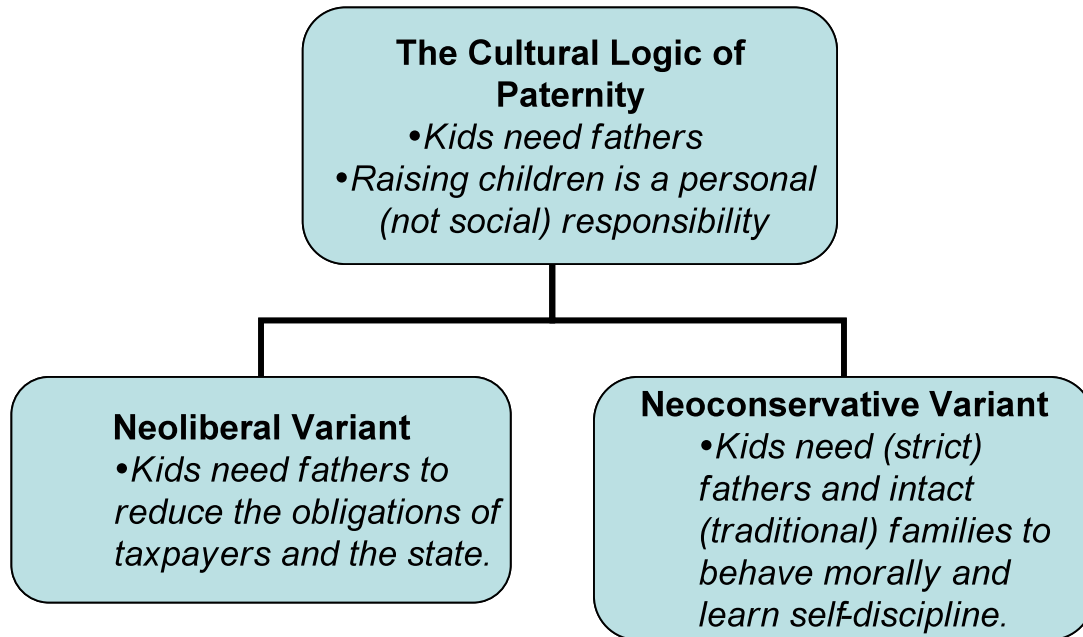


Figure 1: The Cultural Logic of Paternity¹⁸

Literature Review

As noted above, my research questions focus on how the question of paternity is being asked (via the paternity test) by various individuals as well as institutions (especially social, economic, legal, medical, and media). These research questions also work to isolate the various ruptures and contradictions inherent in the very question of paternity (and the associated prevailing definitions of fatherhood and family). For

¹⁸ The neoconservative claim that “strict” fathers are necessary for raising moral, self-disciplined children is also discussed in George Lakoff, *Moral Politics: How Liberals and Conservatives Think* (Chicago: University of Chicago Press, 2002). Diagram by Timothy Gibson.

example, with the development of the DNA-based paternity test, the question of paternity seems to be a clear-cut case as it is validated by scientific evidence. And yet, the biological definition of father does not always align with the social and legal definition of father. These moments of rupture call for a more detailed examination of the contradictory forces at play.

The paternity test is an object that offers a gateway to larger questions of motherhood/fatherhood/parenting as well as government, legal and scientific understandings of families, children, men and women. Interrogating the question of paternity through the paternity test offers new possibilities for rethinking social, legal and economic institutions and apparatuses that determine and define families and the roles that individual people play in them. By denaturalizing the question of paternity, this analysis reveals the ruptures in hegemonic definitions of family/father/mother. Further, this provides a way of thinking through unquestioned statements inherent in the search for paternal truth—statements like “kids need fathers.” I proffer that the paternity test functions as a device that works to regulate, direct and define the how people relate to each other and to social, economic and legal institutions. Or, in Foucauldian terms, how the paternity test and the very question of paternity work to regulate the “conduct of conduct.”

In this section, however, I turn to a review of the bodies of scholarly research most directly connected to the study of the paternity test as a social-political object. Overall, research on the social implications of the paternity test itself is fairly new and limited. The 2005 Hastings Report (discussed briefly above) stands as the defining work

on the topic and has set the direction for further inquiry. This report, published as a collection of essays titled *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, explores the varied ways in which the paternity test is disrupting long-standing institutional practices regarding how we determine families and how we determine parental responsibility. One of the report's coordinators, Mary Anderlik, suggests that two key themes emerged from the research: "minding the media" and "giving genetics its due."¹⁹ I will discuss the Hastings Center report in greater detail below. Following Anderlik's key themes, I will highlight some of the work done on (1) media and the paternity test (detailing the implications and relevance of media studies for this project), and (2) the relationship between science, gender, and the family (more specifically around biological and social notions of father/mother, citizenship and justice).

Media and Paternity

In the early to mid 2000s, billboards featuring ads for paternity testing began cropping up in major urban areas across the country (see Figure 2). According to Anderlik, the proliferation of these billboards caught the attention of Hastings Center researchers and provided the initial inspiration for the project on paternity. In her analysis of the media, Dorothy Nelkin, one of the report's contributors, suggests that there are four main themes arising from popular media representations of paternity: "infidelity and paternity fraud are so rampant that every father should be suspicious, people urgently

¹⁹ Mary Anderlik, "Research Notes: Genetic Ties without Genetic Reductionism?" *The Hastings Center Report* 33, no. 4, (Jul. - Aug. 2003): 9.; Mary Anderlik, "Disestablishment Suits: What Hath Science Wrought?" *Journal of the Center for Families, Children & the Courts* 4 (2003): 3-26.

need to know the biological truth about their children, ‘real’ relationships depend on DNA, and testing will resolve uncertainties.”²⁰ Here, Nelkin finds that there is a possibility of media influence on the family, and that such an influence can be detrimental to families by encouraging suspicion and distrust. Also in the Hastings Center report, Diane Scott-Jones suggests that we do not have “readily available cultural scripts” for discussing and coping with questions of paternity.²¹ But, she argues that the media plays a role in developing cultural scripts through which paternity questions are played out.

²⁰ Dorothy Nelkin, “Paternity Palaver in the Media: Selling Identity Tests,” in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 4.

²¹ Diane Scott-Jones, “Paternity Testing, Family Relationships, and Child Well-Being,” in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 51.



Figure 2: Paternity Billboard²²

However, beyond these contributions in the Hasting Center's report, the representation of the paternity test in media and popular culture has not been thoroughly explored. For this reason, this dissertation contributes to the field of media studies by not only providing an analysis of a under-studied topic (the portrayal of paternity testing), but

²²Photograph taken along Rt. 40 in Baltimore near Johns Hopkins University.

more importantly by further developing a media/cultural studies project which not only provides an analysis of media texts, but further situates these texts as part of larger social, cultural and economic contexts.²³

Informed by critical pedagogy, cultural studies and media studies, Douglas Kellner suggests: “A critical media/cultural studies approach reads, interprets, and critiques its artifacts in context of the social relations of production, distribution, consumption, and use out of which they emerge. The dialectic of text and context requires a critical social theory that articulates the interconnections and intersections between the economic, political, social and cultural dimensions of media culture.”²⁴

Media texts offer a rich site for further analysis of the paternity test and the cultural logic of paternity. However, following Kellner, I want to suggest that media texts are dynamic and complex. While they may indeed present particular neoconservative and neoliberal definitions of paternity and the associated roles of fathers and mothers, they also contain contradictions that challenge the very definitions and conceptions they seemingly promote.

²³ See John Fiske, *Power Plays, Power Works* (New York: Verso, 1993).; Douglas Kellner, *Media Culture: Cultural Studies, Identity and Politics Between the Modern and the Postmodern* (New York: Routledge, 1995).; Henry Giroux, *Channel Surfing: Racism, the Media, and the Destruction of Today's Youth* (New York: St. Martin's Press, 1997).; Rhonda Hammer and Douglas Kellner, “From Communications and Media Studies to Cultural Studies: An Introduction and Overview,” in *Media/Cultural Studies: Critical Approaches*, ed. Rhonda Hammer and Douglas Kellner (New York: Peter Lang, 2009) ix-xlvi.; Kathalene A. Razzano, Loubna H. Skalli, and Christine M. Quail, “The Spectacle of Reform: Vulture Culture, Youth and Television” in *Media/Cultural Studies: Critical Approaches*, ed. Rhonda Hammer and Douglas Kellner (New York: Peter Lang, 2009) 280-295.; Christine M. Quail, Kathalene A. Razzano, and Loubna H. Skalli, *Vulture Culture: The Politics and Pedagogy of Daytime Television Talk Shows* (New York: Peter Lang, 2005).

²⁴ Douglas Kellner, “Toward a Critical Cultural/Media Studies”, in *Media/Cultural Studies: Critical Approaches*, ed. Rhonda Hammer and Douglas Kellner (New York: Peter Lang, 2009) 20.

My analysis of paternity test media texts therefore includes a detailed examination of daytime television programs, such as daytime talk shows and courtroom-based programs. And while my analysis confirms Nelkin's four themes listed above, I have also found that within paternity programs these themes do not go uncontested. Indeed, there are moments when ideals of fatherhood are challenged, the difficulties of parenting are revealed and uncertainties linger.²⁵ Moreover, these paternity programs are informed by the scientific and legal discourses on paternity in a way that works to legitimize the scientific authority of the test as well as the legal authority of the test. And so, in my chapter on paternity test media texts, I examine how the heightened spectacle of these programs may on the one hand work to promote a particularly father-centric logic of the family, but on the other hand, the spectacle also illuminates the fissures in this logic and opens up the space for us to begin to offer a counter-logic. The remainder of this dissertation explores these discourses and will refer back to the media texts, which work to clarify the contradictions.

Science, Gender and the Family

Much of the research on the family and the paternity test can be couched in a larger tradition of research regarding the relationship between science, gender, family and the state. Indeed, the second theme Anderlik outlines is "giving genetics its due." Here, she suggests that the participants in the Hastings Center project wanted to maintain a place for a biological conception of the father, but at the same time, acknowledge the

²⁵ Quail, Razzano, and Skalli, *Vulture Culture*.

value and potential of a nurturing non-biological father.²⁶ This tension points to the primacy of biology and the authority of science. For the Hastings Center authors, the search for the secret of paternity is part of a larger interest in and reinforcement of the biological family based on genetics. As Dorothy Nelkin and M. Susan Lindee argue:

Popular interest in genetic connections coincides with the increasing visibility of—and public discomfort with—unconventional family arrangements. Genes as the basis for family stability are particularly appealing in a society reacting with anxiety to the ambiguities of ‘new families’ and ‘blended families,’ of homosexuality, single motherhood, working mothers, and assorted ‘alternative lifestyles.’ Narratives of popular culture portray the molecular family as a stable, ‘natural’ unit at a time when families appear to be chronically unstable and highly fragile. Just as these narratives portray genetics as the basis of proper family relationships and the source of individual identity, so too they construct the individual as a biologically determined being whose health and illness, behavior and intelligence, success and failure are all dictated by genes.²⁷

Science, by way of paternity testing, enables a definitive biological determination of fathers. In this way, the use of the test works to naturalize what is in fact a social form: the nuclear, heterosexual family. Indeed, the language used to discuss fathers in “scientific” articles about paternity testing sometimes refer to searching for the “true” father.²⁸ But, paternity testing generates several contradictions when we ask what we do with this knowledge. My review of the research conducted on science, gender, and the family finds that these contradictions can be sorted into two main areas: 1) Tensions between biological and social definitions of fatherhood; 2) Conflicting consequences of the paternity test for women as mothers. Underscoring both of these contradictions is the

²⁶ Anderlik, “Research Notes.”

²⁷ Dorothy Nelkin and M. Susan Lindee, *The DNA Mystique: The Gene as a cultural Icon* (New York: W.H. Freeman and Company, 1995) 78.

²⁸ Donald A. Berry, “Inferences Using DNA Profiling in Forensic Identification and Paternity Cases,” *Statistical Science*, 6, no. 2, (May, 1991): 175-189, <http://www.jstor.org/stable/2245592>.

way they have each been shaped by and reshaped the relationship between men, women and the state.

Fatherhood Resurrected

First, in terms of the tensions between the biological and social definitions of fatherhood, legal scholars, historians, sociologists, social workers and counselors are all now trying to determine what is to be done with the knowledge of paternal truth. In some instances, paternity testing is used to resurrect and reintroduce fathers back into the family—to make them be responsible. This is tied not only to neoconservative agendas of “family values” but also to questions of child support and the state—reinforcing the notion of women as dependents and men as breadwinners.²⁹ Conversely, this question of child support and responsibility has forced a rethinking of the value of defining fatherhood as biological and the implications of this definition for egalitarian parenting.³⁰

While paternity testing may tell us who the biological father is, academics from a number of disciplines (law, sociology, psychology) argue that fatherhood is defined by more than biology, but rather entails a social relationship.³¹ Indeed, legal scholar

²⁹ Michael Grossberg, “Duped Dads and Discarded Children: A Historical Perspective on DNA Testing in Child Custody Cases,” in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 107. See also Quail, Razzano and Skalli, *Vulture Culture*.

³⁰ Rothstein, Murray, Kaebnick, and Majumder, “Preface.”; Grossberg, “Duped Dads and Discarded Children.”; Harris “A New Paternity Law for the Twenty-First Century.”

³¹ Elizabeth Bartholet, “Guiding Principles for Picking Parents,” in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 132-151.; Jeffrey Blustein, “Ethical Issues in DNA-Based Paternity Testing,” in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 34-49.; Nancy E. Dowd, “From Genes, Marriage, and Money to Nurture: Redefining Fatherhood,” in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H.

Katherine Baker argues that fatherhood should be based on “contract and commitment” with the mother and not on “sex and genes.”³² Courts, which have previously relied on the tenets of marital presumption (all children born within the marriage are considered to be progeny of the husband) and best interests of the child, have been faced with assigning fatherhood responsibilities to men who are not the biological father of a child they have been raising.

In short, while paternity testing may be able to answer the question of biology, it is inadequate as a sole designator of fatherhood, which also involves a social relationship. Diane Kaplan points to this tension between scientific and legal truths with regards to paternity. She argues, “The incongruity between law and science invites conflict rather than constancy as the presumption obscures rather than answers the questions it was created to resolve: What is a father? Is fatherhood a biological question or a socio-legal construct? Should courts uphold legal constructs that conflict with scientific facts that may be highly disruptive of our social order?”³³

The problem becomes whether the legal system should change to conform with biological fact or social reality. The disruption of the social order can be two-fold. On the

Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 81-93.; Grossberg, “Duped Dads and Discarded Children”; Haney and March, “Married Fathers and Caring Daddies.”; Diane Scott-Jones, “Paternity Testing, Family Relationships, and Child Well-Being.”; Dan Wulff, “Family Therapists and Parentage Testing,” in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 70-80. ; Katharine K. Baker, “Bargaining or Biology? The History and Future of Paternity Law and Parental Status,” *Cornell Journal of Law and Public Policy* 14, (Fall 2004): 1-69.; Julie Shapiro, “A Lesbian Centered Critique of ‘Genetic Parenthood,’” *The Journal of Gender, Race and Justice* 9 (2006): 591-612.; Harris “A New Paternity Law for the Twenty-First Century.”

³² Baker, “Bargaining or Biology,” 1.

³³ Diane S. Kaplan, “Comparative Comment: Why Truth is Not a Defense in Paternity Actions,” *Texas Journal of Women and the Law* 10, no. 1 (2000): 69-81.

one hand, to disregard biological fact is to deny centuries of law, politics, economics, culture and religion based upon patriarchal codes of lineage and inheritance.³⁴ On the other hand, to disregard current social realities of single-parenthood, divorce, and remarriage, denies the variety of forms fatherhood can take in contemporary culture and the impact of non-biological fathers in children's lives.³⁵ What much of the above research assumes is that the father, albeit loosely defined, still has a privileged place in dominant constructions of the family. This dissertation examines the implications of this research, but also questions the assumption that "the father" needs to be determined at all. In short, I ask why there is an insistence on naming the father and on maintaining a place for him within the family (his resurrection and reintroduction) as well as what kinds of families might be possible if we do not assume the patriarch's privileged position.

Conflicting Consequences for Women

The second tension present in the scholarship around science, gender and the family is how the paternity test reveals a set of conflicting consequences for women as mothers. While paternity scholars talk about biological fathers and social fathers, thus implying that fathering (as perhaps opposed to "fatherhood") is a chosen social relationship, mothering and motherhood are first and foremost seen as biological.³⁶

³⁴ For an elaboration of the history of heredity and paternity, see Max Andreoli, "Heredity and Paternity," in *Paternity and Fatherhood: Myths and Realities*, ed. Lieve Spaas (New York: St. Martin's Press, 1998), 15-26.

³⁵ For an ethnographic account of the role of fathers in low-income families, see Maureen R. Waller, *My Baby's Father: Unmarried Parents and Paternal Responsibility* (Ithaca, NY: Cornell University Press, 2002).

³⁶ Grossberg, "Duped Dads and Discarded Children.,"; Jeffrey Parness, "Reforming American Paternity Procedures," in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 152-166.; Baker, "Bargaining or Biology?"

Women, who in the past had the power in most cases to name the father and thus define their own families, are now subject to further surveillance and scrutiny. The question of paternity—and the ability to triangulate the DNA of the biological father—positions their children as to always be suspect.³⁷ In this way, paternity testing is disruptive to the family. The possibility of misattributed paternity causes suspicion and disruption within the nuclear family and undermines the premise of romantic love.³⁸ This new form of surveillance for women is seen as justifiable and couched in language of fathers' rights.³⁹

In addition, questions about citizenship, justice and child support explored by feminist critics of gender, family and the state are implicit in the search for paternal truth. This is because paternity testing is often used to determine whether a woman and her child will be dependent on the state or on an individual man. In this way, the tensions of justice and citizenship found in the work of scholars such as Carol Pateman⁴⁰ and Seyla Benhabib⁴¹ are manifest in the search for paternal truth. For example, as I will discuss in later chapters, state mandated paternity testing is often tied to securing child support

³⁷ Quail, Razzano and Skalli, *Vulture Culture*.

³⁸ Anderlik, "Disestablishment Suits."; Nelkin, "Paternity Palaver in the Media."; Scott-Jones, "Paternity Testing, Family Relationships, and Child Well-Being."; Wulff, "Family Therapists and Parentage Testing."; Jana B. Singer, "Marriage, Biology, and Paternity: The Case for Revitalizing the Marital Presumption," *Maryland Law Review* 65, no. 1 (2006): 246-270.

³⁹ Dowd, "From Genes, Marriage, and Money."; Mary Anderlik Majumder, "Disestablishment Suits: Daddy No More?" in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 167-186.; Parness, "Reforming American Paternity Procedures."

⁴⁰ Carol Pateman, "The Patriarchal Welfare State," in *Feminism, the Public and the Private* in ed. Joan B. Landes, (New York: Oxford University Press, 1998), 241-274.

⁴¹ Seyla Benhabib, "Models of Public Space: Hannah Arendt, the Liberal Tradition, and Jurgen Habermas," in *Feminism, the Public and the Private* in ed. Joan B. Landes, (New York: Oxford University Press, 1998), 65-99.

and/or welfare benefits.⁴² Indeed, some social policy proposals suggest mandatory paternity testing for all infants at birth, regardless of the mother's wishes.⁴³ This significantly infringes on her autonomy and also, as mentioned above, undermines her ability to determine the shape and scope of her family. Still, at the same time, paternity testing can provide women with substantial material benefits. Although it may fall back on the patriarchal logic of father-as-breadwinner, paternity testing can help a woman in securing financial child support for her child and thus providing better economic resources for her family. Such are the contradictions of the cultural logic of paternity.⁴⁴

Role of Justice: Child Support and Criminalization

In addition to being intertwined with social policy and the welfare state, the paternity test's determination of the biological father is also presented as a matter of justice, and thus a matter for the family courts. Justice can be sought for and by the child/mother looking for help paying the bills, but also can be mobilized by an "alleged" father who wishes to disestablish paternity and to seek retribution from the mother. I suggest we can see the interplay between justice and the paternity test by taking a closer look at how the paternity test is used in discussions of child support and of criminalization. Using some of the tensions raised in popular representations of paternity,

⁴² Lori B. Andrews, "Assisted Reproductive Technology and the Challenge to Paternity Laws," in *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, eds. Mark Rothstein, Thomas H. Murray, Gregory E. Kaebnick, and Mary Anderlik Majumder, (Baltimore: Johns Hopkins University Press, 2005), 186-212.; Blustein, "Ethical Issues of DNA-Based Paternity Testing."; Scott-Jones, "Paternity Testing, Family Relationships, and Child Well-Being."

⁴³ Dowd, "From Genes, Marriage, and Money to Nurture."; Majumder, "Disestablishment Suits."; Parness, "Reforming American Paternity Procedures."

⁴⁴ For a discursive/ethnographic account of this tension, see Haney and March, "Married Fathers and Caring Daddies."

this dissertation therefore examines the relationship between paternity and the state focusing on the issue of child support (both private and welfare) and on criminalization.

Unlike the relatively rich body of work on paternity and the welfare state (noted above), there are few published studies cultural studies of paternity test and child support. The Hastings Report did, however, touch on these issues briefly. According to Anderlik, the effects of paternity test on the family are were first noticeable in questions of child support. She writes:

The first wave of DNA-based identity testing coincided with an aggressive program of paternity establishment for nonmarital children receiving federal welfare benefits. Although this development was significant, the public purposes behind testing were well understood, the rules for testing were relatively clear, and the program was consistent with long-standing public policy commitments to establishing family relationships and promoting responsibility. The second wave of testing to verify or disprove paternity in child support proceedings that is currently under way is quite distinct from the first: it is driven by private interests, the rules for testing are unclear, and the genetic test results increasingly have the effect of disrupting, or "disestablishing," parent-child relationships and triggering demands for the elimination of an adult's financial responsibility for a child.⁴⁵

My research therefore traces the connection between the paternity test and child support in order to question the role and responsibilities of the father, to examine what "child support" might mean beyond financial interests, and ultimately to explore other potential means of "child support." Such issues are explored in detail in Chapters 2 and 3, where I examine the issues surrounding child support and criminalization via a detailed analysis of the laws addressing so-called "Deadbeat Dads." In the end, we will see that these issues of justice and criminalization provide fertile ground for questioning gender construction; relationships between families, parents, children and the state; as well as

⁴⁵ Anderlik, "Disestablishment Suits," 1.

opportunities to challenge and rethink public policy around acknowledging, constructing, and supporting families.

Filling in the Gaps

Finally, my dissertation will address a crucial element lacking in the above research and discussion—the political economy of paternity. While there is growing research on the role of the father and the possibilities for other forms of fathering,⁴⁶ what has not been addressed are the political-economic dimensions of the paternity test and the logic of paternity. These dimensions follow two main threads. First, we need to account for women’s reproductive labor, their unpaid labor including things like child care, housework, and physical reproduction.⁴⁷ Drawing on this more general work on the family and reproductive labor, I will explore how the cultural logic of paternity—and in particular, its neoliberal and neoconservative variants—works towards securing, necessitating, maintaining, and making invisible women’s reproductive labor. Second, I examine the rationalities as well as their associated institutions and disciplines that

⁴⁶ Barbara Hobson and David Morgan, “Introduction: Making Men into Fathers,” in *Making Men into Fathers: Men, Masculinities and the Social Politics of Fatherhood*. (New York: Cambridge University Press, 2002), 1-24.; Rukmalie Jayakody and Ariel Kalil, “Social Fathering in Low-Income African American Families with Preschool Children,” *Journal of Marriage and Family* 64, no. 2 (2002): 504-516.; Grossberg, “Duped Dads and Discarded Children.”; Sharon H. Bzostek, “Social Fathers and Child Well-Being,” *Journal of Marriage and Family* 70, no. 4 (Nov. 2008): 950-961.; Richard Collier and Sally Sheldon, *Fragmenting Fatherhood: A Socio-Legal Study* (Portland, OR: Hart Publishing, 2008).; Harris, “A New Paternity Law for the Twenty-First Century.”

⁴⁷ For discussions of reproductive labor see Karen Sacks, “Engels Revisited: Women, the Organization of Production, and Private Property,” in *Women, Culture & Society*, eds. Michelle Zimbalist Rosaldo and Louise Lamphere (Stanford, CA: Stanford University Press, 1974), 207-222.; Eli Zaretsky, *Capitalism, the Family, and Personal Life* (New York: Harper Colophon Books, 1976).; Natalie J. Sokoloff, “The Economic Position of Women in the Family,” in *The Family: Functions, Conflict and Symbols*, eds. Peter J. Stein, Judith Richman, and Natalie Hannon (Reading, MA: Addison-Wesley Publications, Co., 1977).; Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989).; Rosemary Hennessy, *Profit and Pleasure: Sexual Identities in Late Capitalism* (New York: Routledge, 2000).; Barbara R. Bergmann, *The Economic Emergence of Women*, 2nd ed. (New York: Palgrave, 2005).

materially benefit from the paternity test and the logic of paternity (including the underlying assumptions of women's reproductive labor). I explore how these rationalities work towards promoting families with fathers, regardless of the father's physical presence within the family.

Beyond the Hastings Center report, the critical cultural studies scholarship has yet to fully explore the questions I am asking of the paternity test and the logic of paternity. While I will draw upon the related works in sociology, media studies, legal studies and feminist studies, this dissertation itself makes four key contributions to the development of the existing research while at the same time contributing to a new understanding of the paternity test as a cultural object via a media/cultural studies approach. While there is growing research on the role of the father and the forms the father might take, this research itself is not linked back to the paternity test. My first contribution provides an interrogation of this research and its involvement in the resurrection of the father via the discourse of paternity via the paternity test. My second contribution provides a political economy of paternity informed by theories of labor, as well as by concrete examples of how the paternity test is mobilized by state and private interests for material gain.

These two contributions taken together lead to my third contribution which is a demystification of the logic of paternity. By disrupting the privileged position of the father and by demystifying the political economy of paternity, I open a space that allows us to rearticulate and redefine what a family is, how we understand a family's needs, and

what kinds of responsibilities we have towards families.⁴⁸ Finally, my fourth contribution is to provide an original contribution to the study of paternity through an analysis which links individual/micro level experiences to structural/macro level institutions and processes.⁴⁹ There is a dialectical relationship between the intimate experiences of paternity and the institutional structures that provide the borders around how paternity is presented, framed and understood. This relationship may appear seamless when viewed from one position, and yet it is fraught with contradictions and confusion when viewed from another position. This dissertation captures the complexity of this dialectical relationship, which is a hallmark of cultural studies research

Further, as a cultural studies project, my analysis of the paternity test also demonstrates the critical possibilities of an approach that works to combine a Foucauldian discourse analysis with feminist social theory (with an emphasis on feminist historical materialism). The cultural logic of paternity that surrounds the paternity test is a discursive formation with material consequences. Thus, my analysis demonstrates the value of utilizing these theoretical models, acknowledging both the blind-spots and the moments of synergy.

⁴⁸ Similar kinds of disruptions can be seen in feminist work on lesbian families, for example Ruthann Robson, "Mother: The Legal Domestication of Lesbian Experience," *Hypatia* 7, no. 4 (1992), 172-185.; Monique Wittig, *The Straight Mind* (Boston: Beacon Press, 1992).; Shapiro, "A Lesbian Centered Critique of 'Genetic Parenthood.'"

⁴⁹ Here I will be relying on the spectacularized, personal narratives from the talk shows and court television for part of my understanding of individual experiences. While I am certainly cognizant of their construction, I do believe that they provide narratives through which we can see the ruptures in the logic of paternity. I would suggest that perhaps because of their very constructedness, these ruptures may even become more apparent as the search for paternal truth must be condensed into short segments. Thus, the conflicts and the tensions of the narrative are highlighted or exacerbated.

Theoretical Framework

In keeping with the cultural studies tradition, this dissertation navigates (and makes connections between) everyday, intimate, personal experiences and understandings of paternity, and larger macro-level understandings and the accompanying policies. As such, this research pulls from and is relevant to the fields of sociology, gender/women's studies, media studies, philosophy, critical science studies, critical legal theory, and political science.

My examination of the paternity test raises questions that call for a framework linking these micro-level and macro-level analyses. My argument is primarily informed by critical engagement with two theoretical positions: (1) Michel Foucault's work on governmentality and sexuality, and (2) feminist social theory, specifically around feminist historical materialism and issues of justice, citizenship and welfare. A Foucauldian framework offers a historical analysis of the development and changes in discourse and discipline, the creation of subjects, and the creation of regimes of knowledge and power. However, while a Foucauldian understanding of discourse and discipline is instrumental in the analysis of the paternity test, it is unable to fully answer the questions of why these developments and these changes happen.

For this reason, I believe that feminist historical materialism provides a logical and supportive corrective to this weakness in Foucauldian analysis. Borrowing a page from Rosemary Hennessy, I agree that Foucault's "insights on the complex relationship between family and sexuality could be rearticulated within a history that began with these

questions.”⁵⁰ For Hennessy, that history is historical materialism. Historical materialism argues “it is not the consciousness of men that determines their being, but, on the contrary, their social being that determines their consciousness.”⁵¹ The fundamental idea is that the social relationships formed within the context of a particular mode of social and economic production shape people’s material existence and thus their consciousness and subjectivity. Hennessy suggests, “Historical materialism understands social life to be historically and materially produced through relations of labor through which people make what is needed to survive. But, this process does not happen without ways of making sense, normative practices (culture-ideology), and the laws (state organization) that are part of the material production of life.”⁵²

Drawing on Hennessy’s insights, I take the position that our place within a wider mode of production informs our interests and objectives, which we then pursue through material and discursive means. Using a historical materialist framework allows me to examine the role of the economic sphere in relation to how and why discourse, subjects and knowledge take specific forms. Further, it provides me with the theoretical foundation from which I explore the political economy of paternity including, for example, the role of labor in the definition and determination of child support, needs and responsibility. While economic motives do not exhaust human action, they are one important determinant of social action and historical outcomes.

⁵⁰ Hennessy, *Profit and Pleasure*.

⁵¹ Karl Marx, “Preface to *A Contribution to the Critique of Political Economy*,” in *The Marx-Engels Reader*, 2nd edition (New York: W.W. Norton & Company, 1978), 4.

⁵² Hennessy, *Profit and Pleasure*, 59.

Feminist social theory will address the questions of justice, public/private spheres, and citizenship as they relate to the paternity test and the welfare system. Much of this cultural logic of paternity is grounded in economic interests or concerns. At the same time, however, feminist social theory opens the space to explore paternity beyond the economic realm—to consider issues such as citizenship/support claims of mothers and children (where support does not necessarily equal financial support) and public/private issues related to paternity testing (both within families and within the justice/welfare systems). This theoretical approach allows me to foreground questions of sex, gender and justice as they relate to the construction, understanding and imagining of the family and its place in our existing democratic welfare state. Feminist social theory insists on understanding the family not merely as an economic and/or private social unit, but as a social institution.⁵³ These theorists argue that the family is itself a social institution whose actual “intimate” connections are defined by and regulated by the state. This interest in gender, family and the state connects back to and further elaborates on both the Foucauldian and materialist analyses.

These approaches taken together illuminate how and why the paternity test gets taken up in the media, welfare system, judicial system, science and industry. And, perhaps more importantly, these approaches also allow me to illuminate how and why the paternity test works to erase alternate discourses, subjects and knowledge.

⁵³ See Nancy Fraser, *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory* (Minneapolis: University of Minnesota Press, 1989).; Nancy Fraser, *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition* (New York: Routledge, 1997).; Pateman “The Patriarchal Welfare State.”; Benhabib, “Models of Public Space.”; Okin, *Justice, Gender and the Family*.

Foucault, sexuality and governmentality

My examination of the paternity test is informed by Michel Foucault's work on sexuality and on governmentality, in particular because his work provides a way of seeing and understanding how the family can be located both within the public and private spheres. In order to understand how governmentality operates, Foucault first describes the shift in logics of government from a Machiavellian logic concerned with managing territory to an emerging liberal logic of government concerned with managing populations. It is this emerging liberal logic that also entails governing the "conduct of conduct."⁵⁴ He argues that, in addition to laws, "the instruments of government" include "a range of multiform tactics."⁵⁵ Foucault describes governmentality as being both internal and external to the state and that it is indeed "the tactics of government which make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on."⁵⁶ For Foucault, then, it is these "multiform tactics" that now emerge to govern the conduct of conduct.

The family becomes a key force in the development of logics of government. Whereas under the prince, the family was seen as a model for the government, under liberalism, the family becomes an *instrument* of government—a tool to help manage, study, and shape the population. Foucault writes, "What, on the other hand, now emerges into prominence is the family considered as an element internal to population, and as a

⁵⁴ Michel Foucault, "Governmentality," in *The Foucault Effect*, eds. Graham Burchell, Colin Gordon and Peter Miller (Chicago: University of Chicago Press, 1991): 87-104.

⁵⁵ Here, Foucault makes a distinction between the State and government. The state is concerned with laws. Government is concerned with conduct. However, laws are among the multiform tactics governmentality employs.

⁵⁶ Foucault, "Governmentality," 103.

fundamental instrument in its government.”⁵⁷ The family is multifaceted, playing a number of roles and operating in a number of sites in neoliberal governmentality. Indeed, as Nikolas rose observes, “in the name of public citizenship *and* private welfare, the family has been configured as a matrix for organizing domestic, conjugal and child-rearing arrangements and instrumentalizing wage labour and consumption.”⁵⁸

Drawing on these insights, my analysis will examine not only the institutions of the state (welfare and judicial) as sites which are invested in the cultural logic of paternity and traditional definitions of family, but also medical/scientific, media and “commercial” institutions as sites not formally connected to the state, but which nevertheless promote the same overarching logic (and its neoconservative and neoliberal variants) and definitions (and that contribute significantly to the shaping or governing of individuals). An analysis of these institutions in connection with the paternity test demonstrates the role of the family in regulating the “conduct of conduct.” Governmentality offers my study a link between broader forms of power and the everyday manifestation of those forms of power in individual lives.

We can see how this plays out in Foucault’s work on sexuality. In *The History of Sexuality*, Foucault demonstrates how the family works to shape, define and reinscribe certain forms of sexuality.⁵⁹ The family becomes the site where not only certain forms of sexuality are affirmed or rejected, but also a site of intervention and interruption. The family, in attempting to negotiate sexuality, comes under the watchful eye of experts—

⁵⁷ Ibid., 99.

⁵⁸ Nikolas Rose, “Governing ‘Advanced’ Liberal Democracies,” in *Foucault and Political Reason*, eds. Andrew Barry, Thomas Osborne, and Nikolas Rose (Chicago: University of Chicago Press, 1996), 37.

⁵⁹ Michel Foucault, *History of Sexuality*, trans. Robert Hurley (New York: Vintage Books, 1990).

doctors, psychologists, lawyers, teachers, social workers, etc. Questions of reproduction, of human labor, of education are all influenced by the family. The family becomes the site of tension under liberalism that at once encourages individualism and conformity.

Furthermore, Foucault argues that in order to maintain the individualism, liberalism offers a regime of knowledge and power apparatuses. He terms this biopower. Thus, as Colin Gordon describes it, biopower designates “the forms of power exercised over persons specifically in so far as they are thought of as living beings: a politics concerned with subjects as members of a *population*, in which issues of individual sexual and reproductive conduct interconnect with issues of national policy and power.”⁶⁰ The family in this way becomes a mediating institution for the exercise of biopower—acting as an important node between the macro-management of populations through state social policy and the microprocesses of everyday life.

The notion of governmentality presented by Foucault offers thus some new and interesting ways of thinking about paternity and the family—especially with regard to the conduct of conduct. For instance, how does the family as an institutional site at once reinforce itself through a neoliberal logic of paternity and precipitate (and negotiate) its own decline as it tries to satisfy the demands of producing good citizens and good workers as well as the emotional and material individual needs of family members? What are the possibilities for the paternity test to define, frame and perhaps redefine family relationships? In short, the paternity test is an object linking actual people to social

⁶⁰ Colin Gordon, “Governmental Rationality: An Introduction,” in *The Foucault Effect: Studies in Governmentality*, eds. Graham Burchell, Colin Gordon and Peter Miller (Chicago: University of Chicago Press, 199), 4-5. Emphasis Gordon.

institutions (media, judicial, economic, and social/welfare) and associated policies as well as a means of potentially re-writing definitions of what constitutes the family and the place of fathers within it.

Governmentality allows us to understand that the paternity test and the question of paternity have already set the stage for how these individuals and institutions will interact. Because the family is not only the site of information gathering but also of information dissemination and policy-in-action, the definition and maintenance of traditional family forms works in favor of the state because the state has already developed its mode of governmentality in tandem with a paternal, hierarchal family form. In the case of the paternity test, the very logic of paternity works to reinscribe (or reattach) the father back to the family form, to maintain a family structure familiar to the state. The question of paternity has already defined accepted and expected identities and conduct, and erased other alternatives. For these reasons, a Foucauldian conception of governmentality holds significant explanatory power in terms of “problematizing”⁶¹ the paternity test and illuminating the connections between the test, people and institutions.

Feminist Social Theory and Historical Materialism

In addition to the questions I pose regarding the paternity test and its relationship to governmentality, I also approach the paternity test through a feminist historical

⁶¹ Although Foucault’s conception of governmentality echoes Weberian conceptions of bureaucracy, historical materialism and structural-functionalism, his concerns, in the end, are not grounded in any of these approaches, and indeed his goals are much different. Bratich, Packer and McCarthy describe Foucault’s approach in the following way: “one does not study objects as much as investigates how a given phenomenon came to be thought of in terms of a problem—how it was problematized.” Jack Z. Bratich, Jeremy Packer, and Cameron McCarthy, “Governing the Present,” in *Foucault, Cultural Studies, and Governmentality*, eds. Jack Z. Bratich, Jeremy Packer, and Cameron McCarthy (Albany, NY: The State University of New York Press, 2003), 11.

materialist lens. As should be clear, the paternity test is an object implicated in a number of different systems, many of which work with, through and/or for the interests of capitalism. Fundamental to this project, then, is an understanding of the ways in which women and men are situated under neoliberal capitalism. I argue that the paternity test has been drafted to serve the imperative of capitalist accumulation, a process aided greatly by dominant ideologies of science and the practices of the justice/welfare system. In order to understand how mothers and fathers come to be situated through DNA testing, I need to discuss three overlapping assumptions that set the foundation for the remainder of the analysis.

First, capitalism, as a means of organizing human relationships, is flexible and will use existing ideological and discursive formations in order to exploit labor for profit. Second, patriarchy is one such ideological formation. Rosemary Hennessy discusses the importance of recognizing patriarchy: “patriarchy refers to the structuring of social life—labor, state, and consciousness—such that more social resources and value accrue to men as a group at the expense of women as a group.”⁶² She goes on to argue that patriarchy has often been used in the service of capitalism’s exploitation of labor, particularly women’s labor (this will be discussed further below). It is important to note that the forms in and through which patriarchy operates are variable. By this definition, patriarchy is also flexible. As such, I see patriarchy as mediating between capitalism and labor, and more specifically for our purposes, patriarchy is crucial to the understanding the social positioning of the father and the mother. Finally, while capitalism is flexible, the one

⁶² Hennessy, *Profit and Pleasure*, 23.

constant, the one moment of fixity, is capitalism's exploitation of labor (although certainly the forms of exploitation vary).

With these three assumptions in mind, this dissertation examines the extent to which men and women are "fixed" or "flexible" in their gendered, economic roles within the family. In particular, I argue that in media representations, in the justice/welfare system, and in the very "science" of paternity testing, fathers are most often aligned with the flexibility of capitalism and patriarchy whereas mothers are most often aligned with the fixity of exploited labor. As we will see below, the uses to which paternity tests are put (e.g., to secure child support payments from "deadbeat dads") tend to rely on and naturalize the exploitation of women's unpaid reproductive labor, such as child-rearing and house-keeping, a form of exploitation often critiqued by feminist social and economic theorists.⁶³ More specifically, I find that the development and most common uses of paternity testing begin with the presumption of the mother as fixed, as immobile. Scientifically speaking, her DNA is used as the control group, whereas his DNA is the variable. In the judicial system, furthermore, it is assumed that under most circumstances the mother will retain custody of and responsibility for raising the child, but for his part, the father has a variety of options ranging from child support to full custody. In the end,

⁶³ Joni Hersch, "Marriage, Household Production, and Earnings," in *Marriage and the Economy: Theory and Evidence from Advanced Industrial Societies*, ed. Shoshana A. Grossbard-Schechtman (New York: Cambridge University Press, 2003), 201-221.; Jane Jenson, "Representations of Gender: Policies to 'Protect' Women Workers and Infants in France and the United States before 1914," in *Women, the State, and Welfare*, ed. Linda Gordon (Madison, WI: University of Wisconsin Press, 1990), 152-177.; Gwendolyn Mink, "The Lady and the Tramp: Gender, Race, and the Origins of the American Welfare State," in *Women, the State, and Welfare*, ed. Linda Gordon (Madison, WI: University of Wisconsin Press, 1990), 92-122.; Gwendolyn Mink, *Welfare's End* (Ithaca, NY: Cornell University Press, 1998).; Okin, *Justice, Gender, and the Family*.

fatherhood is construed as flexible. If he wishes, his legal obligation can be as simple as mailing a check once a month.

What we will see in this dissertation is that the science of the paternity test and the judicial system are intimately bound up with one another. However, in order to see how these areas fit together, I must first present them separately, because each domain (media, science, social policy, and the judicial system) comes with its own logic and history, which in turn contributes to the others' logic and history. Throughout this dissertation, then, I examine the categories of “fixed” and “flexible” to see if they maintain this initial gendered divide across multiple domains or whether there might be moments where the terms switch, when that which was fixed in one domain becomes flexible in another.

In short, feminist historical materialism offers my project a materialist lens through which I can address my research questions. As my brief discussion above indicates, this research attempts to shed light on how the paternity test reveals tensions and contradictions in our existing constructions of gender and the family, especially around issues of reproductive labor. Further, a materialist lens also enables me to focus in on the question of investments—who has a political, moral and/or economic stake in the cultural logic of paternity and who has a stake in disrupting it?

Feminist Social Theory and Justice, Citizenship and Welfare

Finally, feminist social theory offers two key theoretical moves which help structure the theoretical foundation of this dissertation: a disruption of and challenge to the concepts of men and women; and an analysis of the institutional and structural ways

that gender is differentially experienced at all levels of society (but especially through and in the family and welfare policy and practice).

Taking an opening page from Simone de Beauvoir, I am intrigued by the question “Are there women really?”⁶⁴ And if so, “what is a woman?” In attempting to answer Beauvoir’s questions, I think, yes, there are women really. Or perhaps we should say there are women materially, for there are material consequences to being a woman. The fact of being sexed female implicates that sexed body into a system of institutions and associated knowledges that work to construct the idea of woman and as such, make her concrete and material.

Can we imagine a world without the concept of woman, or without the construction of woman? Beauvoir lays out the ways in which the naturalness of woman, the “eternal feminine” is a construct. Feminist social theory provides the language and theoretical models for what might it mean to move beyond such a construct; the kinds of material changes that must be implemented in order to move towards freedom and liberation; how this freedom and liberation might manifest itself; what sort of material differences might we see, live, and experience. In this way, this dissertation is also informed by the work of Monique Wittig. She writes, “Masculine/feminine, male/female are the categories which serve to conceal the fact that social differences always belong to an economic, political, ideological order. Every system of domination establishes divisions at the material and economic level.”⁶⁵ Ultimately, feminist social theory works

⁶⁴ Simone de Beauvoir, *The Second Sex*, trans. and ed. H.M. Parshley (New York: Vintage Books, 1989), xix.

⁶⁵ Wittig. *The Straight Mind*, 2.

towards developing the reimaginings, rethinkings, mental shifts and alternatives that must be presented and accepted before these material changes can even be considered. It prompts us to consider what cultural negotiations have to be made and what sort of power dynamics must shift. There have been moves to change the material circumstances of women, but they have been made without changing the cultural imagination, consciousness, and everyday thought about what “woman,” “man,” “mother,” and “father” means. So when Beauvoir asks, “what is a woman?” we are still unable to radically challenge the foundation upon which woman’s place has been situated, constructed, defined.

Using feminist social theory, I elaborate on the materiality of male and female bodies by expanding on the flexible/fixed structure I outline above and link it to the public/private issue raised by feminist scholars. Similar binaries have been discussed within feminist social theory, for example Beauvoir’s transcendence/immanence⁶⁶ and Fraser and Gordon’s independent/dependent.⁶⁷ Feminist social theory, specifically around questions of the family and the welfare state, engages with questions of justice, citizenship and power. I proffer that this flexible/fixed binary gets mirrored in the justice and welfare systems as well as in the family, specifically around these questions. The work of feminist scholars such as Linda Gordon, Nancy Fraser, and Virginia Sapiro point to the ways in which welfare programs provide different kinds of aid and services to men

⁶⁶ Debra Bergoffen, *The Philosophy of Simone de Beauvoir: Gendered Phenomenologies, Erotic Generosities* (Albany, NY: State University of New York Press, 1997). See Bergoffen’s chapter 6 for an additional account of Beauvoir’s concepts of transcendence/immanence.

⁶⁷ Beauvoir, *The Second Sex*; see also Okin, *Justice, Gender, and the Family*.

as a group than they do to women as a group.⁶⁸ Men receive aid based on their status as a wage earner. Women receive aid based on their status as care-givers. This sort of gendered configuration sets the stage for paternity testing in such a way as it positions the father as revenue generating and positions the mother as revenue depleting. Indeed, as Linda Gordon suggests, “feminist analyses have noted that the only explanation that can make sense of seemingly contradictory welfare policies is their function to keep this system (women’s economic dependence on men, men’s economic dependence on wages and personal dependence on women) in place.”⁶⁹ Part of the goal of this dissertation, then, is to examine the persistence of this gendered welfare system as a function of governmentality, suggesting that the state, corporations, institutions and individuals are all implicated in the maintenance of this system through the articulation of definitions of paternity and family via the paternity test.

Thus, feminist social theory offers another level to understanding how the paternity test reveals tensions and contradictions in our existing constructions of gender and the family—especially around issues of welfare and justice. Second, it also provides the warrant and ways to renegotiate the family as an institution as well as the family’s relationship with the state around the concepts of needs and responsibility. Similarly, feminist social theory has a tradition of imagining alternate formations of gender, the

⁶⁸ Linda Gordon, “The New Feminist Scholarship on the Welfare State,” in *Women, the State, and Welfare*, ed. Linda Gordon (Madison, WI: University of Wisconsin Press, 1990), 9-35.; Fraser, *Unruly Practices*.; Fraser, *Justice Interruptus*.; Fraser and Gordon, “A Genealogy of ‘Dependency’: Tracing a Keyword of the U.S. Welfare State,” in *Justice Interruptus: Critical Reflections on the ‘Postsocialist’ Condition*, ed. Nancy Fraser (New York: Routledge, 1997), 125-143.; Virginia Sapiro, “The Gender Bias of American Social Policy,” in *Women, the State, and Welfare*, ed. Linda Gordon (Madison, WI: University of Wisconsin Press, 1990), 36-54.

⁶⁹ Gordon, “The New Feminist Scholarship on the Welfare State,” 19.

family and public policy that is useful to my examination of how the paternity test and the logic of paternity might reveal or suppress these alternate formations.

Methodology

In keeping with my theoretical framework, this dissertation employs two overarching methodological approaches. First, since I am coming from a historical materialist tradition, I see this project as a dialectical one. Placing the paternity test in a dialectical model, this project challenges the idea that the paternity test definitively finds the father. A dialectical model works toward the negation of the negation. In the case of paternity, I am seeking to uncover what other alternative forms of social relations and social structures might be possible if we denaturalize the traditional family structure and its role in forming policy and institutions (and conversely, the role of policy and institutions in forming families). Here, I model my analysis after Rosemary Hennessy's historical materialist analysis in *Profit and Pleasure*. Hennessy blends a critique of capitalism with an examination (and challenge) of sexuality identity and queer theory.

Second, the majority of my research involves an examination of a number of different texts. My overall approach to these texts (talk shows, court shows, legislative documents, news reports, court cases, legal opinions and research reports) is influenced by David Altheide's Ethnographic Content Analysis (ECA). Altheide's simple definition of ECA is that it is "the reflexive analysis of documents."⁷⁰ I employ key features of ECA: constant comparison, purposive sampling and conceptual data coding. So, while I had initial categories, constant comparison encourages an "emergent orientation to the

⁷⁰ David Altheide, "Ethnographic Content Analysis," *Qualitative Sociology* 10, no. 1 (1987): 65.

data.”⁷¹ The process of sampling and coding is guided by my theoretical commitments, but remain open to possible contradictions and new directions.

My actual analysis of the paternity test is primarily conducted using the tools of discourse analysis, particularly in my examination of the language used during the implementation of the paternity test in the media and the justice/welfare system as well as the forms of knowledge created, reproduced or erased across these sites. My use of discourse analysis is informed by Gillian Rose’s discussion of discourse analysis in her book *Visual Methodologies*. Rose writes, “Doing discourse analysis assumes that you are concerned with the discursive production of some kind of authoritative account—and perhaps too about how that account was or is contested—and with the social practices both in which that production is embedded and which it itself produces.”⁷² For Rose, discourse analysis is informed heavily by Foucauldian theoretical and methodological positions. What is most useful here is the emphasis on intertextuality, discursive formations, and power/knowledge. My analysis identifies intertextual links between my research documents/texts, and uses these intertextual links to uncover discursive formations and the role of these formations in the generation of power/knowledge as it pertains to our understanding and positioning of fathers, mothers, children and families.

Rose puts forward a more specific method to discourse analysis by offering two approaches: Discourse Analysis I (DAI) and Discourse Analysis II (DAII). We can understand the difference in these two approaches by looking at DAI as examining

⁷¹ Altheide, “Ethnographic Content Analysis,” 72.

⁷² Gillian Rose, *Visual Methodologies: An Introduction to the Interpretation of Visual Materials* (Thousand Oaks, CA: Sage Publications, 2001), 241.

specific modes of talk and text, whereas, DAII examines practices of institutions.⁷³ As such, my discourse analysis is two-fold: following her methods and strategies for DAI, I examine the rhetorical structure of discourse (via specific documents): “how a particular discourse describes things . . . how it constructs blame and responsibility, [in] how it constructs stake and accountability, [in] how it characterizes and particularizes.”⁷⁴

Second, following DAII, I examine “the social context of those statements: who is saying them, in what circumstances.”⁷⁵ These approaches are then augmented by more concrete forms of analyses, which I detail below.

Review of Legislation—Discourse Analysis

A significant portion of this dissertation examines the paternity test’s relations to the state in terms of (re)defining the family as an institution, revealing or suppressing alternate forms of gender, the family and public policy, as well as tracing the economic, political and moral investments involved in both the search for paternal truth and the deconstructing of the logic of paternity. To begin this analysis, I focus on two key concepts: needs and responsibility. Following the tradition of ECA, these concepts were selected based on my preliminary work with the paternity test and talk shows. Questions regarding meeting and defining needs and responsibilities feature prominently in daytime television talk shows on paternity and provide intertextual referents for examining other documents. My initial research into legislation regarding paternity revealed many of the same tensions (as outlined above). I examine legislative acts and programs concerning

⁷³ Rose, *Visual Methodologies*, 140.

⁷⁴ Jonathan Potter, quoted in Gillian Rose, *Visual Methodologies*, 150.

⁷⁵ Rose, *Visual Methodologies*, 149.

child support to explore definitions and interpretation of need and responsibility. These acts/programs serve as primary sources and included the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PWORA), the Deficit Reduction Act of 2005 (DRA), the Child Support Enforcement programs (CSE), and the Deadbeat Parents Punishment Act of 1998 (DPPA).

I use these acts/programs as initial points of entry and specifically look at the language used to discuss paternity and paternity testing. Crucial to the issue of paternity and child support is an examination of the “best interest of the child” doctrine. Using DAI, I examine the specific language used in these programs to define and describe needs and responsibilities (through coding and category-building). How are needs and responsibility defined, implied, negotiated? Using DAII, I link the microscopic analysis of the texts’ language with the power relations at work on crafting and enforcing these acts and programs by providing conceptual bridges connecting these acts/programs. Similarly, I use DAI and DAII to examine needs and responsibility around issues of criminalization.

Textual Analysis

As part of my examination of paternity in the media, I employ a textual analysis of television programs that feature the paternity test. These programs include daytime talk shows such as *Maury*, *Dr. Phil*, and *Montel* as well as daytime court shows such as *Divorce Court*, *Judge Hatchett*, and *Judge Mathis*. In addition to the programs I have already collected as part of my previous work on talk shows, I recorded paternity-themed episodes over a six-month period to supplement my existing sample with more recent

programs. These programs are analyzed on three levels. First, I consider the programs' narrative structure in relation to its form and format. What parts of the narrative are told and how is the narrative told in the limited time allowed by the very structure of the program?⁷⁶ Second, I ask whether there are different narratives being told in relation to the mother's knowledge of the father. Third, I examine the language and body language of the individual mothers and fathers involved. What kinds of language do they use to talk about themselves, their children and the very question of paternity? How do they, along with the host, judge, or other authority figure, mobilize discourses around the family, science, technology, the law, and masculinity and femininity?

Outline of Chapters

The chapters of this dissertation examine the cultural logic of paternity as it manifests in three different arenas: daytime television, welfare legislation and programs, and the justice system. These sites all include moments where paternity testing is used to find a biological father. I argue that in doing so, they each connect the lives of individual men, women, children and families with larger institutions and policies around the articulation, definition and mobilization of needs, responsibility and justice. The order of these chapters follows the chronology of my own story with this project. My initial interest in the paternity test developed after watching hours upon hours of daytime

⁷⁶ My use of textual analysis is informed by Gitlin's early examination of entertainment television. He argues that "hegemonic ideology is systematically preferred by certain features of TV programs, and that at the same time alternative and oppositional values are brought into the cultural system, and domesticated into hegemonic forms." For Gitlin these forms include: format and formula, setting and character type, slant, solution, and genre. Todd Gitlin, "Prime Time Ideology: The Hegemonic Process in Television Entertainment," in *Television a Critical View*, 4th edition, ed. Horace Newcomb (New York: Oxford University Press, 1987), 511.

television talk shows for another research project. I was struck then by the increasing use of paternity testing on these programs. Or rather, I was not surprised that the programs mobilized these tests in the service of spectacle and shock, but I was intrigued by the frequency of their use and the sort of resolution offered by the test.

In particular, I began to pay attention to what these women and men were saying that they wanted. Certainly, for the mothers on the show, securing financial help was their minimum goal, but they also often articulated other needs that could be understood as social, emotional and/or cultural. In addition to these articulations of needs was a second current that dealt with responsibility. On these shows, fathers are asked to be responsible, but it is unclear what that meant beyond a financial responsibility. As I began to examine the contradictions around needs and responsibilities, I pulled from an earlier theorization of talk shows as “vulture culture” that I developed with Loubna Skalli and Christine Quail. The concept of vulture culture helps theorize about the connections between media objects and representations and other forms of knowledge and discourse (including expert knowledge and popular “common sense”).

So, in the case of the paternity test, and drawing on the concept of “vulture culture,” I began to think what *other* spaces, beyond the TV talk show, use the paternity test and for what reasons. Questions about needs and responsibility thus pointed me to welfare legislation, child support enforcement programs and paternity establishment programs, and from there, questions about justice and fairness pointed me to the punitive dimensions of the cultural logic of paternity in the form of “going after” Deadbeat Dads.

Chapter 1 is a media/cultural studies analysis of paternity on daytime television talk shows. I begin by situating talk shows as “vulture culture.” Arguing that talk shows themselves are part of a much larger media culture involved in the production, circulation and consumption of a variety of privileged knowledges, I argue that the paternity-themed talk show uses knowledge and expert discourses also found in the justice/welfare system, medical discourses, as well as criminal justice and psychology. In order to tease out these connections, I suggest there is a paternity subgenre of the talk show and that these shows play out in essentially three scenarios.

After a review of these scenarios, I next demonstrate how these programs rely on the authority of the paternity test as a scientific document to legitimate a traditional, heterosexual family form. To do so, I offer a brief history of imaging technologies and argue that the paternity test is a new iteration of these technologies, which can be and have been used to fix women as mothers and fathers as flexible. I move from this section on science, paternity and the body to a discussion of the mobilization of raced, classed and gendered bodies and paternity on daytime talk shows. I argue that bodies are the sites through which paternity is represented and mediated. From here, I specifically look at how women and men are framed as mothers and fathers on these programs through the lens of paternity.

Chapter 2 focuses on the elements of Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) that provide the rationale and mandates for paternity testing as well as some of the government programs developed as a result of that policy. What we will discover is that the Act itself frames single-parent families as a

“crisis,” one that is remedied by the resurrection and reinsertion of the father into the family. In this chapter, I use both theories of governmentality and feminist social theory to examine how the neoliberal logic of paternity works to once again position mothers as fixed and fathers as flexible using a language of dependency. Using the paternity test as my entryway, I examine the opening language of the Act and any further references to paternity testing. Then, I explore and challenge the language of Child Support Enforcement programs. I conclude this chapter with an examination of paternity establishment programs and their role in suturing this “crisis.”

Chapter 3 moves beyond PRWORA and looks at the consequences when men “fail” to meet their responsibilities (as dictated not only by PRWORA and CSE but also by social and cultural convention). The focus here is on Deadbeat Dads, their creation and their presence on daytime television as well as in legislation and the justice system. The chapter takes up a concept of failure that I’m calling “constitutive failure”—a concept which argues that the failure of the Deadbeat Dad is mutually constitutive to the successful, responsible dad proffered by both the neoliberal and neoconservative variants of the logic of paternity. Both “failures” and “successes” exist under neoliberalism in order to validate the basic claim of the logic of paternity—that kids need fathers. My examination of Deadbeat Dads begins with a discussion of their appearance on daytime talk shows as well as TV “court shows.” These court shows work as what I’m calling the media-administered justice system. They are a mediated encounter of Deadbeat Dads with the justice system. Finally my examination then turns to the “real” justice system

and the construction of Deadbeat Dads as a felonious subject through the Deadbeat Parents Punishment Act (DPPA)

Finally, I conclude this dissertation by challenging the cultural logic of paternity through what I call the “more likely” kids. These are the children whose future failure has been foretold by talk shows, court shows, legislation, government programs and court opinions. They are children in single-parent families and they are positioned to be “more likely” to end up in jail, to drop out of school, to be teen parents, to go on welfare and stay on longer, to be victims of violence, to live in poverty. The proffered solution by the logic of paternity is to resurrect and reinsert the father into these families. However, I challenge this idea through a concept of failure which demonstrates the failed promise of paternity. To do this, I demystify what I’m calling the political economy of paternity (one that positions fathers as solely financial supports and that positions children as resource depleting). I then ask how we might change these “more likely” futures into “unlikely” futures by thinking through these questions of poverty, education, welfare, etc. without relying on the coercive resurrection of the biological father.

As we navigate these chapters, the cultural logic of paternity gains form, shape, becomes tangible. We will see that it has very real consequences for the way we define families, needs and responsibilities. It has material effects on the everyday lives of women, men, children and families. And so, I hope that by making it tangible, we also can find cracks in the logic that offer us points to agitate and disrupt not just the logic of paternity, but also the larger rationalities of neoliberalism and neoconservativism.

CHAPTER 1—BREAKING THROUGH THE BABY-MOMMA DRAMA: PATERNITY, TELEVISION AND FAMILIES

This chapter offers a media/cultural studies analysis of the complex and contradictory ways the question of paternity is represented in popular culture. With the development and refinement of DNA paternity testing, we have seen numbers of paternity dramas (both fictional and actual) play out on the public stage. Sensational paternity dramas have become public spectacles put forward not only by tabloids and television programs but also by the mainstream news media. Just in the last five years we have seen these paternity spectacles connected to celebrities (as in the case of Anna Nicole Smith and her daughter Dannielynn in 2007), politicians (as in the case of former presidential candidate John Edwards and his daughter from an affair with a filmmaker in 2009), and other public figures such as talk show hosts and athletes (e.g., both Oprah Winfrey and NBA star LeBron James have had men who claimed to be their biological fathers seek paternity tests to prove it). At the time of this writing, CNN reports the body of Bobby Fischer, the famous(ly) controversial and reclusive chess master, has been exhumed to collect DNA samples for a posthumous paternity claim.⁷⁷ In recent years, prime-time television as varied as *Veronica Mars*, *Private Practice*, *Law & Order: SVU*,

⁷⁷ “Chess Icon’s Body Exhumed in Paternity Case.” CNN.com, accessed July 15, 2010, <http://www.cnn.com/2010/WORLD/europe/07/05/fischer.body.exhumed/index.html>.

House, *Two and a Half Men*, *Battlestar Galactica*, *Revenge*, *The Office* and *Glee* (to name but a few) have had storylines involving questions of paternity.

Of course, paternity speculation, obfuscation and revelation have been a staple of the soap opera genre for decades, but in recent years the paternity test itself has taken center stage. In 2010 alone, at least four soaps—*Young and the Restless*, *General Hospital*, *Days of Our Lives*, and *One Life to Live*—pursued storylines featuring the search for paternal truth by way of paternity testing. The paternity test and paternity dramas also have a consistent presence on daytime television talk shows (i.e. *Maury*, *Steve Wilkos*, *Dr. Phil*) and syndicated court shows (i.e. *Judge Mathis*, *Divorce Court*, *Judge Jeanine Pirro*). Indeed, it is not uncommon for three out of five weekly *Maury* episodes to be about paternity.

In this chapter, I focus on these daytime talk shows because they offer an interesting entryway into the ways that paternity testing and the cultural logic of paternity play out in public venues. Unlike soap operas' and much of primetime television's fictionalized portrayal of paternity, these programs claim to present "real" or authentic paternity dramas. These are "real" people seeking definitive answers to their questions of paternity even as they are spectacularized using the conventions of the genre. We watch with the presumption that these test results will dramatically impact the lives of the talk show guests. This work builds upon my previous examination of the daytime talk show for which I watched and analyzed well over one hundred of these programs between the years 1998 and 2004. These programs include *Ricki Lake*, *Jenny Jones*, *Montel Williams*, *Maury*, *Oprah*, *Sally and Dr. Phil*. Since a number of these shows are no longer on the

air, I returned to current daytime television to update my show sources. Between 2007 and 2010, I used upcoming show synopses to locate paternity-themed programs. I then recorded a broad collection of paternity episodes from *Dr. Phil* (4), *Maury* (19) and *The Steve Wilkos Show* (7). In addition to these talk shows, I collected *Divorce Court* (7), *Judge Mathis* (3), *Judge Jeanine Pirro* (3), *Judge Hatchett* (1), and *Judge Alex* (1).⁷⁸

Working within a critical media literacy framework, this chapter examines the logics, roles and power dynamics presented by daytime talk shows featuring paternity testing. One of the most striking and persistent scripts in these programs involves the search for paternal truth. While these shows are often waved off as “baby-momma drama,” I argue that the search for the “baby-daddy” reveals a host of contradictions and ruptures in our understanding of the family and the roles of fathers and mothers when we examine these texts through a critical lens. Paternity shows offer us seemingly traditional ideas of, and the relationships between, fathers, mothers and family. The father must “be responsible.” The mother is suspect, in need, and is admonished to be accommodating. Further, since the paternity test is structured around a man and a woman, the families are almost universally based around heterosexual couples. Although these programs may indeed present particular, industry-supported, conservative definitions of paternity, fatherhood and motherhood, at the same time they are also infused with contradictions that challenge the very definitions and conceptions they seemingly promote. For instance, it forces us to ask who is the “real” father—the biological father or the rearing father?

⁷⁸ Although I cannot claim that this sample is representative of all TV paternity-themed talk shows, they nonetheless offered a rich and varied data source for the following analysis. For this reason, the patterns of discourse discussed below offer a view into how paternity was represented on some of the most-watched talk shows; future research will have to determine if these patterns hold up across daytime talk as a whole.

Who is responsible for the child and why? And, what might this responsibility look like? As we shall see, these questions inevitably seep into the talk show narrative, although they are rarely addressed directly.

Despite their omnipresence on television, scholars have devoted little attention to the representation of paternity and the paternity test in popular culture. In 2003, the Hastings Center, a bioethics research institute, sponsored three workshops and a public conference on the ways in which paternity testing has challenged and altered social, legal, political and economic conceptions of family. Dorothy Nelkin, one of the report's contributors, outlines four prevailing themes surrounding popular media representations of paternity: "infidelity and paternity fraud are so rampant that every father should be suspicious, people urgently need to know the biological truth about their children, 'real' relationships depend on DNA, and testing will resolve uncertainties."⁷⁹ Nelkin raises the possibility of media influence on the family, breeding suspicion and distrust.⁸⁰ Similarly, Jana Singer suggests that the attention of popular media on the issue of paternity sows seeds of doubt and provides the means to resolve the doubt through DNA testing.⁸¹ In the Hastings Center report, Diane Scott-Jones also looks at the media's role in developing cultural scripts through which paternity questions are played out. She suggests that we do not have "readily available cultural scripts" for discussing and coping with questions of paternity.⁸² My own analysis confirms Nelkin's four themes listed above, but I found that within paternity programs these themes are contested—more specifically definitions of

⁷⁹ Nelkin, "Paternity Palaver in the Media: Selling Identity Tests," 4.

⁸⁰ Ibid.

⁸¹ Singer, "Marriage, Biology, and Paternity," 246.

⁸² Scott-Jones, "Paternity Testing, Family Relationships, and Child Well-Being," 51.

fatherhood are challenged, hardships of parenting are revealed, and uncertainties linger.⁸³

Further, I suggest that paternity shows are proffering scripts that provide models for negotiating and framing questions of paternity—how we approach them and how we respond to them, specifically regarding questions of responsibility, needs and justice.

This chapter takes a closer look at the use and implementation of paternity testing on daytime television talk shows. First I offer an examination of the genre as a form of what I have in other writings called “vulture culture” in its appeal to and promotion of both common sense and expert knowledge—at once reifying the paternity test, its role as a scientific document as well as a legal document. Moreover, part of understanding the paternity test as vulture culture includes situating it within the context of other forms of body imaging technology (such as x-ray, ultrasound, and MRI). Second, as representative of actual people’s lives, I explore the ways that bodies are constructed on the talk show stage as sexed, raced and classed bodies. How these bodies are presented through context and through visual cues frame how we understand the relationship between the paternity test, individual people and larger support structures like child support and welfare. Third, I examine the genre as a site of knowledge production, arguing that these programs proffer scripts about paternity—constituting certain constructions of family, father, and mother while erasing others. Finally, I highlight the tensions, contradictions and conflicts inherent in the search for paternal truth as it is played out on the talk show. In the chapters that follow, I will continue to trace whether and how these tensions also emerge

⁸³ Quail, Razzano, and Skalli, *Vulture Culture*.

in relation to paternity testing and welfare policy as well as in the issues of criminalization and the pursuit of “deadbeat dads.”

Talk Shows as “Vulture Culture”

I have elsewhere argued (with Christine Quail and Loubna Skalli) that talk shows are a form of vulture culture. We posit that, “Vulture culture is best understood as the process by which media scavenges the narratives, discourses, knowledges and the everyday common-sense of our culture and presents them back to us as information, spectacle and entertainment.”⁸⁴⁸⁵ Our understanding of vulture culture emerged from our recognition that popular daytime talk shows are connected to a much larger media culture of (re)production, circulation, and consumption of various types of privileged knowledge. We suggest that these programs are much more than mere spectacle. They rely on and perpetuate popularized versions of expert discourses emerging from fields such as psychology, sociology, social work, criminal justice, and forensics. These are discourses that emerge from a particular discipline but then are taken-up in the popular imaginary, and so they work both as expert knowledge as well as common sense.

Talk shows are thus the site of an interesting intersection where expert knowledge meets commonsense. Many of these programs rely on expert knowledge to substantiate and validate their existence and their topics/themes (such as paternity, out-of-control teens, make-over shows). However, we found in evaluating some of these topics that the defining knowledge—the knowledge that works to make sense out of these programs—is

⁸⁴ Ibid., 3.

⁸⁵ I would further add the media scavenges technologies as well.

that of commonsense. Program topics and solutions have to resonate with the audience as rational and reasonable, as appropriate and logical, as natural. “Expert” knowledge works under similar constraints such that the frames for understanding the topics and solutions linked to the expert must also resonate with commonsense assumptions about the credibility of the “expert” as well as the reform/solutions associated with that form of knowledge.

Commonsense can be understood as the naturalization of particular discourses and knowledge, as part of a negotiation for hegemony and thus a negotiation for power. The very word “power” is a tricky thing to talk about as the word itself has multiple connotations. Briefly, in this instance, I do not envision power as a top-down or bottom-up operation. Power is systematic; it works through the institutions and practices that produce and consume knowledge; that naturalize knowledge and ideologies as truths; and that, in turn, define the body and its relationship to the world. The mobilization, definition and validation of knowledge and commonsense (and commonsense as knowledge) are intimately tied to the mobilization, definition and validation of forms and sites of power. And so, for the purposes of my project, it is important to understand how and why the nuclear family is presented as the preferred, “normal” family form; the ways that this family form is both presumed and contested; and the role of the paternity test in both promoting and challenging the common-sense foundation of the nuclear family.

My approach to questions of power (how it works and with what results) borrows from Michel Foucault, arguably the seminal author on sexuality, discipline and power. Taking up Foucault’s links between governmentality, biopower and the family, I argue

that the family is a site in and through which power is mobilized, maintained and manifested. As I will demonstrate in later chapters, and what will become apparent here, is that a number of institutions (state, media, medical, commercial) have an interest and investment in defining the family in traditional (nuclear, heterosexual) ways such that families with both mothers *and* fathers are the privileged, taken-for-granted familial form.

Defining families in this way suits a system of governmentality that relies on the family as a source of information collection and dispersal as well as a site that works towards governing the conduct of conduct. For instance, by promoting the roles of “mother” or “father” within the nuclear family form, institutions assume and encourage the mother’s unpaid reproductive labor and the family’s reliance on the paid labor of the father. This reflects the fixed/flexible dynamic discussed in the introduction. Whereas the mother is fixed in her relationship to the child (and thus her reproductive labor is aligned with the fixity of exploited labor), the father is flexible in his relationship to the child (and thus his wage labor and social relationship to his child are aligned with the flexibility of capital).⁸⁶ We will see this fixed/flexible dynamic at work on the talk shows and in what I call the visual culture of paternity (to include such things as visual representations of paternity testing and advertisements for paternity testing).

In the case of paternity testing, the search for the father is deemed appropriate, logical, and productive using the knowledge and discourses of science, sociobiology,

⁸⁶ Wage labor is also exploited labor by the classic definition. However, I’m pulling from the work on welfare, citizenship and wages here where wage labor is valued as contributory and aligns with the goals and aims of capital. Reproductive labor also, in many ways, aligns with these same goals, but does not have the same status as wage labor. It is assumed labor, unacknowledged as labor.

psychology and the welfare/justice systems. We are positioned to first understand the women and men on the stage as mothers and (alleged) fathers. And, we are encouraged to be complicit with the assumption that finding the father will materially and emotionally benefit the child. In fact, on a 2010 *Maury* episode, Povich claims that the reason he does paternity programs is because he knows the child will have a better chance in life with a mother *and* a father.⁸⁷

This chapter examines what Foucault terms the “polymorphous techniques of power,” with regard to sexuality, to “account for the fact that it is spoken about, to discover who does the speaking, the positions and viewpoints from which they speak, the institutions which prompt people to speak about it and which store and distribute the things that are said.”⁸⁸ I explore paternity testing on the daytime television talk show to illuminate the subject, identify the speakers, the contexts and the consequences. Indeed, the larger goal of this dissertation is to reveal how an investigation of paternity testing and the critique of a cultural logic of paternity can demystify a complex system of power and discipline. Understanding power in this way allows for a focus on questions of discipline and control, and encourages us to examine how women and men are shaped and then managed across multiple sites (welfare, justice, media, medical, home) and levels (institutional, community, individual).

Approaching the relationship between talk shows and paternity testing as vulture culture highlights the connections between this commercial entertainment form and a

⁸⁷ “I Didn’t Cheat with Your Cousin...I’ll Prove You’re My Baby’s Dad!” *Maury*, CW, WDCW, Airdate September, 13, 2010.

⁸⁸ Foucault, *The History of Sexuality*, 11.

variety of institutions. It encourages us to explore such issues as: who is asking the question of paternity, why they are asking it, and what are the material and non-material gains to establishing paternity.

Illuminating the Subject: Trust, Truth and Betrayal

The paternity subgenre has become a dominant programming staple of the daytime talk show and plays out in essentially three scenarios:

1. “I know you’re the father”;
2. “I’m not sure who’s the father”;
3. “This time. . .I’m sure he’s the father”.

Scenario A: I know you’re the father. The first scenario has the longest history.

Initially, when paternity shows first hit the talk show scene, they seemed to have an “altruistic” motive towards the child and the mother. The goal of these programs was to hold the father accountable for, at the very least, child support and to encourage visitation. I call these examples of paternity testing “I know you’re the father.” The DNA tests results would be admissible in court as proof of paternity should the mother or father chose to pursue the matter. And, *she* is often encouraged to do so. We can see this clearly in the *Montel* quote which opens this dissertation:

What I am going to hand over to you is admissible in a court of law. Ok? This is a true DNA test. [speaking to the boy] So, to an accuracy of 99.999% this has been your child for the whole 18 month period. [turning to the girl] So, since on the show he has made an admission to the fact that he has a job, you can take that down to a family court and they can garnish his wage. [Back to the boy] It really has nothing to do with whether or not someone lets you see the child or not, or whether you have difficulty in your visitation. You are a father. And, I don’t care if you never see your child again for the next 18 years. I hope that the court takes

money out of your check every day so we don't have to pay for your child.⁸⁹

This quote is taken from an episode of *Montel* where 16-year-old Annie wants to prove her 18-year-old ex-boyfriend Richard is the father of her baby. Annie and her mother claim that Richard has denied the baby and has said that Annie was sleeping with other men. However, Richard argues he never said those things about Annie. Furthermore, he claims he never denied the baby, but he cannot visit the baby without Annie and her mother “jumping down his throat.” When the paternity test results are announced, Richard is proven to be the father. And, as we will come to see throughout the course of this chapter, there are certain expectations of a father—the first of which is to “pay for your child.” This, of course, is tied to the significant socio-economic implications underpinning Williams’ words “so we don’t have to pay for your child.”

In the “I know you’re the father” scenarios, the host and guests usually believe the mother. The studio audience applauds the mother and “boos” the father. However, the paternity test always presents the possibility that the mother is not telling the truth. In the same *Montel* episode mentioned above, a woman named Lorraine states that her ex-boyfriend Daniel is the father of her son. Prior to revealing the test results, Williams asks Lorraine, “Now, the question becomes, who is the father of this baby? And, Lorraine, you say its Daniel. Now you were with no one else?” Lorraine replies, “I was with no one else.” Williams rephrases his question and asks, “If this baby is not Daniel’s, whose baby is it?” To which Lorraine responds, “Its Daniel’s, Montel. I know it is. I was not with anybody else.” Williams looks at the test results and says, “I bet you did know that, that’s

⁸⁹ “Paternity Questions. . .Are the Rumors True?” *Montel*.

why I wanted you to say it with more force—99.999%. You’re the father. Step up to the plate and do what you should’ve done.”⁹⁰ In the end, this story proves two things: first, Daniel is the father, and, second, Lorraine is telling the truth.

Despite the arguably altruistic motives of paternity shows, there has been a noticeable shift in the spectacle in recent years. This shift points to the flip side of DNA testing. Increasingly, the “I know you’re the father” shows are finding that despite the mothers’ absolute confidence in their knowledge of paternity, the men being tested are proven *not* to be the fathers. In one *Maury* episode, for instance, a young woman named April insists a man named Tony is her daughter’s father. She angrily yells at Tony, “I know, and I’m 100% sure. I know that she’s yours. You’re the only one I was with.”⁹¹ However, as the results are read, her jaw drops in disbelief. The DNA test has determined that Tony is not the father. April runs off stage—confused and humiliated.

When Povich chases after her, she cries, “Leave me alone. I don’t want to go back out there.” So, although we may at first think of the paternity test as revealing the identity of the father (as in the cases of Richard and Daniel above), it also can serve to reveal the infidelity, promiscuity, or simple untrustworthiness of the mother. The spectacle in this case no longer revolves around the scene where the mother unleashes her “I told you so” wrath. Rather, the spectacle has shifted slightly to the moment where the test calls into question her sexuality, morality and ethics. While this segment between April and Tony falls into the “I know you’re the father” scenario because April claims certainty, it also

⁹⁰ “Paternity Questions. . .Are the Rumors True?” *Montel*.

⁹¹ “The Wildest, Most Memorable *Maury* Guests” *Maury*, Fox, WTTG, Airdate May 6, 2002.

signals a shift to the next iteration of the paternity program—mothers who are uncertain about their babies’ paternity.

Scenario B: I’m not sure who’s the father. More recently, paternity shows have begun to feature mothers who bring multiple men to be tested because they are unsure who exactly fathered their children. This is the second way paternity is presented. We’ll categorize these examples as “I’m not sure who’s the father.” The increased repetition of these scenarios has altered the fundamental question of the program. Instead of the question being one of paternity, of exposing the father, the question becomes one of maternal responsibility, sexuality and fidelity—exposing the mother. This shift is obvious in a July 2002 episode of *Jenny Jones* titled “Who is the Father of My Baby?” During the episode’s opening segment there is a voice over which says “It’s a test of trust. . .it’s the test for paternity. . .shocking stories of truth and betrayal. . .DNA tests prove who’s the father.”⁹² In this description of the program, we can begin to see how the use and implementation of paternity tests have cultural and social weight, especially with words like “trust,” “truth,” and “betrayal.” While these words can apply to both mothers and fathers, in the context of this *Jenny Jones* show, we are to understand them in relation to the mother. In four of the six paternity segments featured, two men were tested. In three of those cases, the woman was in a relationship with one of the men at the time she got pregnant. “Trust,” “truth,” and “betrayal”—can we believe the mother? This becomes the question of the paternity test.

⁹² “Who is the Father of My Baby,” *Jenny Jones*, Fox, WTTG, Airdate July 30, 2002.

Scenario C: This time, I'm sure he's the father. Finally, the third way paternity plays out on talk shows are the follow-up or update shows. We'll call these the "This time, I'm sure he's the father" shows. These shows have developed out of the first and second type of paternity scenarios where none of the men being tested are proven to be the father. In these episodes, the shows' producers bring the same mothers back with *new* men to test. In some cases, it is one man, in other cases it can be several. These shows have directly evolved from the spectacle of the "deviant" mother. They exist only because the women have been revealed as sexual (i.e. having multiple partners) and/or untruthful. One notable example comes from *Maury*. On this update episode, Povich recaps the story of a young woman named Tiffany who was featured on a previous episode. She believed that her ex-boyfriend Branden was the father of her son. In making her case, Tiffany told how Branden was at the hospital when she had the baby, that he named the baby and signed the birth certificate. She was left confused as to why he was now questioning paternity. When Branden came out on to the stage, he explained to Povich, "I always had doubts. Always. . . But, I tried to be a bigger man, but then I'm with a tramp like her." Tiffany angrily cut Branden off, "A tramp?! A tramp?! You gonna tell me to shut up and you gonna talk so you can call me names, you out of your mind!"⁹³ However, when the paternity test results were revealed, Branden was not the father.

In the update show, Tiffany returns to *Maury* with two additional men to test. Povich asks her, "Have you been doing some soul searching to try to find out who little

⁹³ Here I want to acknowledge that there are a number of language errors in language in the quotes from daytime television used in this dissertation. I want to note that I have transcribed the dialog as faithfully as possible. I did not correct for grammatical errors or word choice.

Anthony's father is?" Tiffany replies, "Yes I have. Since the show, I thought about it seriously and there was two other guys that [she pauses briefly] I was with during that time." When Povich reads the results, Tiffany is again humiliated. Neither of the men fathered her son. She bows her head and stares at the floor. Povich puts his arm around her and says, "If you want to find out who the father is, we will continue to help you. Ok, Tiffany? Alright?" And she nods. Perhaps we'll see Tiffany again on a future episode of *Maury*.⁹⁴

These three basic paternity scenarios—"I know he's the father," "I'm not sure who's the father," and "This time, I'm sure he's the father"—set the stage for the remainder of this chapter. Women and men as mothers and fathers have culturally-prescribed identities, responsibilities, and expected behaviors. These paternity scenarios all point to a rupture in these idealized parental and romantic roles. They point to instances where both women and men fail to meet normative standards as mothers and fathers, wives and husbands, girlfriends and boyfriends. The search for paternity is, in part, an attempt to locate and remedy these failures, but in a very particular way: *through the resurrection of the father*. However, my contention is that the very notion of paternity keeps these failures and solutions trapped in the paternalistic discourse that creates them. As you will see below, this logic of paternity and the responsibilities attached to it may no longer be reasonable for today's families, if they ever were. Indeed, the very question of paternity might be the wrong question.

⁹⁴ It is worth noting that guests like Tiffany provide talk shows with content for future shows, both through retesting and update shows. In a few instances, some guests appear three or more times.

In the following sections, I discuss the body as a specific site of knowledge production regarding mothers and fathers. Here I am thinking about the body as a site of convergence—the site where social, political and economic institutions structure our understanding of others and ourselves as raced, classed and gendered subjects and where we, in turn, present ourselves to the world as subjects, in many ways always already aligned with particular social, economic and political identities.

In addition, in thinking about the ways that bodies become understood as mothers and fathers in relation to the paternity test and the talk show, I will highlight the body in relation to science and medicine. The medicalization of the body involves a number of imaging technologies which allow us to “know” the previously unseen body, with significant consequences for how the female body as mother is understood. This medicalization of the body is just one point in thinking about the body as a site of convergence. I also address the ways that male and female bodies are presented within the talk show spectacle, how they are (or are not) articulated as raced, classed and gendered, and whether different constellations or combinations of their raced, classed and gendered subject positions align with the fixed/flexible model outlined above.

Illuminating the Subject: Complicating the Science of Paternity

“Is science a useless exercise that can only reproduce social ideology, while offering us its metaphors for nature, whereas nature, as we conceptualize it, is only a metaphor for social reality?”⁹⁵

⁹⁵ Ruth Hubbard, *Profitable Promises* (Monroe, ME: Common Courage Press, 1995), 179.

When the talk show uses the paternity test, it is relying on and validating the claims of truth, of fact, of science that are attached to this test. We can see this clearly in the cases of Lorraine and Daniel as well as Annie and Richard mentioned above. In both of those scenarios, Williams refers to the scientific authority of the paternity test—“So, to an accuracy of 99.999% this has been your child for the whole 18 month period.” And after announcing the scientific authority of the test, Williams points to the legal weight of the test—“you can take that down to a family court.” The paternity test exists as both a scientific document as well as a legal document, and as such seemingly provides uncomplicated answers to questions of paternity and definitions of fatherhood.

In this section, I argue that the use and implementation of the paternity test (on talk shows and in the legal system) relies on the authority of scientific fact in order to validate a particular form of family. In doing so, the paternity test becomes implicated in larger system of social and ideological discourse that fix women as mothers by subjecting them to various forms of surveillance and scrutiny. Further, fathers are not forgotten in this system. While not subject to the same sorts of surveillance as mothers, the paternity test can be seen to complicate the father’s flexible status. As I will discuss below, the paternity test can be seen to at once confirm the father’s flexible status while at the same time trying to “fix” him to the family.

In order to understand the mobilization of scientific discourse on the talk show, I examine how scientific discourse is implicated in naturalizing ideological constructions of gender, especially around questions of the female body and paternity. When referring to an entire discipline, such as science, one begins to wonder where to start. Where is the

point of entry? Certainly, entire books have been written about the social, economic and political influences on the development of science.⁹⁶ Drawing on this work, I briefly present the arguments challenging positivist science's claims to an objective understanding of the "natural" world. Much of Western science claims to achieve such an objective understanding by using rigorous and tested methodologies that work to eliminate "the values, vested interests, and emotions generated by their class, race, sex or unique situation."⁹⁷ Furthermore, sociologist Patricia Hill Collins suggests that the scientists' attempts to detach themselves are mirrored by their attempts to decontextualize their objects of study (this is especially clear in the quest for paternity).⁹⁸ The paternity test marks fatherhood by biology only, disregarding other characteristics or qualities such as nurturing and mentoring that also characterize fatherhood and parenting. And so it becomes possible in scientific articles about paternity testing for an author to claim that developments in DNA profiling "adapt easily to calculating the probability that an alleged father of a child is the *true* father."⁹⁹

In challenging this objectivity and decontextualization, feminist scholar and biologist, Ruth Hubbard raises some provocative concerns that set the stage for critique: "What is 'true' about nature depends on who is asking, under what historical and

⁹⁶ See Jose Van Dijck, *Imagination: Popular Images of Genetics* (New York: New York University Press, 1998).; Hubbard, *Profitable Promises*.; Nelkin and Lindee, *The DNA Mystique*.; Roger Lancaster, *The Trouble with Nature: Sex and Science in Popular Culture* (Los Angeles: University of California Press, 2003).

⁹⁷ Patricia Hill Collins, "Shifting the Center: Race, Class, and Feminist Theorizing About Motherhood," in *Mothering: Ideology, Experience, and Agency*, eds. Evelyn Nakano Glenn, et al. (New York: Routledge, 1994), 63.

⁹⁸ Collins, "Shifting the Center," 63.

⁹⁹ Donald A. Berry, "Inferences Using DNA Profiling in Forensic Identification and Paternity Cases," *Emphasis mine*.

sociopolitical circumstances, from what point of view, and to what end.”¹⁰⁰ The implications of scientific lenses becomes clear when Hubbard discusses “scientific” accounts of female intellectual capacity: “it should not surprise us that nineteenth-century biologists, who were by definition male, found scientific reasons why girls could, or should, not get the same education as boys. Some of them ‘proved’ that women’s brains were smaller than men’s, others that education damaged girls’ reproductive organs so that educated women would not be able to have children.”¹⁰¹ In her book *Profitable Promises*, Hubbard articulates and then debunks gendered constructions of science. For instance, she deconstructs the reproduction myths of the “active” male and the “passive” female by challenging popular scientific assumptions of androgen and estrogen, sperm and egg, chromosomes and DNA and the X and Y-chromosomes.¹⁰² Nevertheless, this active/passive dynamic remains the underlying assumption in reproduction. Here, it becomes clearer how patriarchy, as a “structuring of social life,” has implications even for “objective” science. I proffer that although DNA testing could just as easily be mobilized to verify a mother’s biological connection to a child, it is rarely used in that way. Indeed, that we call it a “paternity” test suggests that the common use and understanding of the test (to find the biological father) has developed in response to a particular set of social, economic, political and historic circumstances, which I examine throughout this dissertation. Here I show how the mobilization of medical imaging

¹⁰⁰ Hubbard, *Profitable Promises*, 189. It is also worth noting that the term “nature” is also contentious.

¹⁰¹ Ruth Hubbard and Elijah Wald, *Exploding the Gene Myth: How Genetic Information is Produced and Manipulated by Scientists, Physicians, Employers, Insurance Companies, Educators, and Law Enforcers* (Boston: Beacon Press, 1993), 7.

¹⁰² Hubbard, *Profitable Promises*, 169-176. In each of these instances the “female” component of the pair is seen as stable, passive, fixed. It is acted upon by the male component in the pair. The resulting child is a product of the male’s action.

technologies such as the sonogram, and their relationship to the visual, have historically worked to replicate an active/passive or flexible/fixed dynamic in order to situate the paternity test as existing on a continuum of similar(ly) gendering technologies.

“My Baby Looks Just Like Him”

One of the founding principles of the scientific method is observation. Implicit here is a reliance on the visual, on what can be deduced by sight. In their book on visual culture, Marita Sturken and Lisa Cartwright argue, “In the rise of the natural sciences in the nineteenth century and in biomedicine today, vision is understood as a primary avenue to knowledge and sight takes precedence over the other senses as a primary tool in the analysis and ordering of living things.”¹⁰³ The talk show relies on the notion of observation-as-science as part of its spectacle. Common to virtually every paternity episode is the moment when the mother compares a picture of her child to a picture of the father (projected on large, side-by-side television screens). In this way, guests and the audience can try to determine for themselves whether or not the child was fathered by the man. Often, the mother will point to features that “look just like” the father. For example, April, who was mentioned earlier in this chapter, enthusiastically compares her daughter to Tony. She argues, “My baby looks just like him. Look at her ears! Look at her face! She looks just like him. How could he deny her? How could he deny them?”¹⁰⁴

In the same way, on another episode of *Maury*, a young woman named Heather tells Povich and the audience, “That’s his father. Look at my son. Look at him. He’s got

¹⁰³ Marita Sturken and Lisa Cartwright, *Practices of Looking: An Introduction to Visual Culture* (New York: Oxford University Press, 2001), 299.

¹⁰⁴ “The Wildest, Most Memorable *Maury* Guests,” *Maury*.

his eyes, his forehead, and the dimples. He's got my son's dimples. That is his father."¹⁰⁵ But mothers are not the only ones making these comparisons. Fathers (and sometimes their new girlfriends or family members) will also rely on these photographic comparisons to point out dissimilarities between the "alleged" fathers and the children. And, in one instance, ten-year-old Mike is asked if he thought the man being tested is his father. Mike replies, "Yes. . .cause he looks just like me."¹⁰⁶ These examples give a quick insight into how a visual common-sense "science" works on the talk show. But, this emphasis on the visual has a significant history, especially in connection to women and their bodies.

In trying to understand scientific conceptions of the body, we can see the intimate connections between science and technology. Technologies allow scientists to make the body visible. Documenting the body via visual technology is a tradition that began with photography. Since the early 1900s, certain technologies have allowed science, particularly medical science, visual access to hidden parts of the body. X-rays, MRIs, and assorted other "scans" have provided science with a previously unavailable view of the body. And yet, unlike the paternity photographs described above, these visual representations of the body also require interpretation—expert knowledge. In this way, these images do not stand alone—their scientific value and meaning are derived through "expert" interpretations.

One of the best examples of these sorts of visual technologies is the sonogram. The sonogram is an imaging technology that allows doctors to "view" the fetus inside the

¹⁰⁵ "Angry Teen Moms Demand Paternity Tests" *Maury*, Fox, WTTG, Airdate February 1, 2001

¹⁰⁶ "Who is the Father of My Baby," *Jenny Jones*.

mother's womb. The healthy sonogram image appears as a grainy, out-of-focus, black-and-white representation of the baby. In Figure 3 below you can even see the baby's fingers and toes, but usually the image is not very distinct. More recently, technological developments have rendered a 3-D sonogram image where the image is much more precise, allowing for better determination of fetal abnormalities. But this image also gives mothers, fathers and physicians a clearer sense of what the fetus actually looks like in utero (see Figures 4 and 5). Indeed, current research suggests that women who undergo 3-D sonogram imaging experience greater maternal-fetal bonding than women who have 2-D sonograms and are more likely to receive comments about similarities or dissimilarities to the fetus.¹⁰⁷¹⁰⁸

¹⁰⁷ [△](#) Ji E.-K. et al., "Effects of ultrasound on maternal-fetal bonding: a comparison of two- and three-dimensional imaging," *Ultrasound in Obstetrics and Gynecology* 25, issue 5 (April 2005): 473-477. [doi:10.1002/uog.1896](#). [PMID 15846757](#).

¹⁰⁸ Also interesting to note that there is a private, commercial market for 3-D fetal imaging. For example, Fetal Expressions, a company in Ancaster, Ontario, "provide[s] spa like comfort, with high quality leather recliners and sofas for guests and mother, no cold clinical hospital stretchers found here." With rooms that can seat 8-10 people, this in-utero look at the fetus let's the woman share her "baby's first expressions." <http://www.fetalexpressions.ca/> Date accessed October 26, 2010.

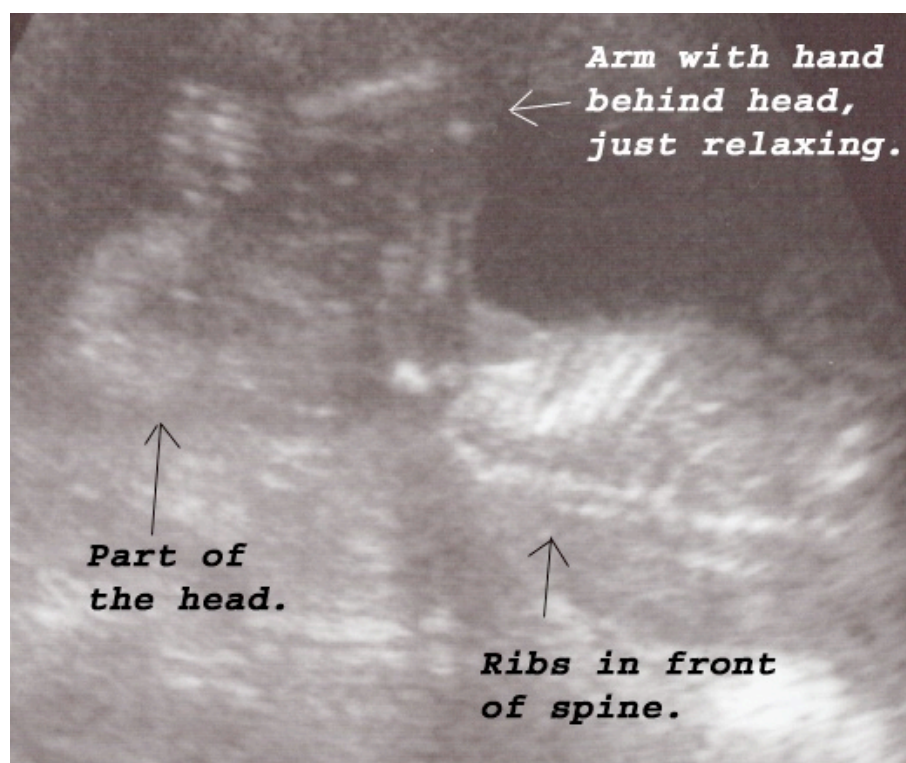


Figure 3: 2-D Sonogram Image¹⁰⁹

¹⁰⁹ Courtesy of Mike and Kelly Cain.



Figure 4: 3-D Sonogram Image¹¹⁰

¹¹⁰ Figures 4 and 5 are courtesy of Hana Brilliant and Patrick McDade.



Figure 5: 3-D Sonogram Image Sex Determination

Yet, the sonogram is more than just a representation of a fetus. While technology has facilitated this sort of representation, the meanings given to the fetus and the mother are socially constructed. In an essay on media uses of fetal images, E. Ann Kaplan suggests, “In terms of the science discourse, it appears that a new part of the human (in this case, specifically the female) body had come into view because technologies exist to make it visible and manipulable.”¹¹¹ In the instance of the sonogram, we are not just

¹¹¹ E. Ann Kaplan, “Look Whose Talking, Indeed: Fetal Images in Recent North American Culture,” in *Mothering: Ideology, Experience, and Agency*, eds. Evelyn Nakano Glenn, et al. (New York: Routledge, 1994), 123.

getting a look at the fetus; we are getting a look inside the woman's body. What raises many feminist scholars' concern is that this image of the fetus is being constructed/imagined as a person separate from the woman's body. This challenges the woman's authority over her own body. Kaplan argues, "When central, the fetus renders unimportant woman's work, sex, and mother subjectivities: her body (assumed to be the home, in heterosexual marriage) is now to be in service of the fetus."¹¹² This link between the mother's body and the child continues to define and reinforce the socially prescribed relationship between mother and child.¹¹³

In this way, the image and the imagining of the fetus as person subordinates the interests and knowledge of the mother. Sturken and Cartwright suggest, "an ultrasound image taken by a doctor will be perceived as more reliable than a woman's description of her bodily sensations of pregnancy."¹¹⁴ So, there seems to be a tension here. Once a mother,¹¹⁵ the woman is expected to provide the care for and nurturance of the child throughout the child's lifetime; however, the ways that she cares for the child are subject to various institutional and authoritative knowledges and regimes of surveillance. Her care and nurturance is generally understood as a biological instinct, a given, rather than a socially constructed behavior. And, as a biological, natural instinct, the mother's labor,

¹¹² Kaplan, "Look Whose Talking, Indeed," 132. Indeed, this is a discourse of mother as container that can be traced back to Aristotle.

¹¹³ For a phenomenological understanding of the connection between mothers and children see Susan Bordo's "Are Mothers Persons? Reproductive Rights and the Politics of Subject-ivity," in *Unbearable Weight: Feminism, Western Culture, and the Body* (Los Angeles: University of California Press, 1993).

¹¹⁴ Sturken and Cartwright, *Practices of Looking*, 299.

¹¹⁵ It is important to note that the moment at which a woman becomes a mother is hotly contested. In this instance, I am speaking biologically. I am aware of the debates around reproductive rights and abortion issues. However, these debates are not the focus here. Regardless of belief in that arena, once the decision has been made to label pregnant woman as mother, the mother is then expected to fulfill certain roles, duties and responsibilities.

which sustains and reproduces the labor force, remains unpaid and unrecognized as labor, while at the same time being constantly suspect to intervention by social and medical institutions. She is fixed as the passive subject. Couched in the discourse of science, such images are “held to present accurate, self-evident proof of certain facts.”¹¹⁶ I suggest that the authority of the paternity test (and its use on the talk show) continues this mobilization of imaging technologies, moving to further fix the mother and mothering as natural and to subject her behaviors (as a parent, romantic partner and sometimes as citizen) to increased surveillance by the state as well as the viewing public.

“To an Accuracy of 99.999%”

The use of genetic and DNA technologies mark an interesting development in geneticists’ quest to fully comprehend the human body. Whereas the imaging technologies listed above articulate the “hidden” body (for example, bones, brains and babies), DNA technology presents the previously unimaginable body. The science of DNA claims to chart the body, both physically and mentally. There will be no aspect of a person’s body and personality that cannot be accounted for in their genes. Thus, a person is reduced to a genetic map, which will serve as a quantifiable marker of a person. Needless to say, the implications of such a science are both amazing and frightening. Debates have been raging over issues of cloning and eugenics—disease prediction/control, racial marking and genetic selection. Concerns have been raised over

¹¹⁶ Sturken and Cartwright, *Practices of Looking*, 286.

the potential use of genetic information by employers, insurance companies and the state. While these debates are fascinating, they are beyond the scope of this chapter.¹¹⁷

What is important to understand about genetics is that despite its universalizing tendency, the avenues being explored and the genes being examined point to social, political and economic imperatives. Scientists looking for “criminal” genes, poverty genes, forensic evidence or genetic explanations for birth disorders are usually doing state-sponsored and/or corporate-sponsored research.¹¹⁸ What to look for, where to look for it, and who funds the exploration are not scientific questions. They are political and economic questions, with political, economic and social ramifications.

In all the debates I have reviewed regarding DNA and genetics, none of them were overtly concerned with determining paternity. Perhaps this lack of attention to paternity testing among bio-ethicists is because, unlike hunting for the genetic marker of diseases, paternity is really just a process of elimination followed by probability calculations. Or, perhaps, the underlying cultural assumptions guiding the search for paternity are not being questioned even by designated ethicists; indeed, current scientific research on paternity testing seems to revolve around making it more accessible and profitable.¹¹⁹ Regardless of the reasons for this relative lack of attention, I argue that looking at paternity, searching for and resurrecting the father, ignores the material, lived

¹¹⁷ See Hubbard and Wald, *Exploding the Gene Myth* and Hubbard, *Profitable Promises* for a debunking of some of the prophetic promises of genetic testing. See Jose Van Dijck, *Imagination* for an account of the gene debate as portrayed in the popular media.

¹¹⁸ For instance, on April 16, 2003 the National Institutes of Health held a symposium titled “Genes, Brain, Behavior: Before and Beyond Genomics.” Featured panels include one on Learning and Memory and another on alcoholism. This symposium was funded in part by the Department of Energy, the Department of Health and Human Services, Merck & Co., Inc, GlaxoSmithKlein and IBM Life Sciences.

¹¹⁹ A search of the Computer Retrieval of Information and Scientific Projects (crisp.cit.nih.gov, 4-11-03) reveals only 5 studies on paternity—3 of which were seeking to make paternity testing cheaper.

social conditions of single mothers and their children. While the test may prove who the father is, the tests do not make him pay child support or schedule visitations. However, the underlying logic of the test—that is, the reason for its existence, is the cultural search for paternal truth. This search is further based on the arguably *patriarchal* assumption that, once “found,” the man—now tagged as the father—will be responsible for his child and its caregiver.

Over and over, we witness this assumption played out on the paternity show. Whether its Montel Williams telling Daniel to “step up to the plate,” Maury Povich telling a 16 year old to “take responsibility” for his baby, or the fathers promising to start paying child support, most talk show participants acknowledge the father’s financial obligation to the mother and child. It is based on another assumption, and not necessarily an incorrect one, that the mother cannot financially support her child without additional support, either from the father or from the state.¹²⁰ Situating the mother in this way once again positions her as fixed, passive, dependent and immobile. Alternatively, we could imagine, at the very least, finding ways to enable single mothers to raise their children without relying on the support of the father. We could offer safe, affordable childcare and quality, universal healthcare. We could benefit from community support networks and employers sensitive to the needs of single parents. These things are possible, but we would first have to step outside the prevailing logic of paternity and its connection to the maintenance of the state.

¹²⁰ According to the 2000 US Census, “One parent families maintained by women were also more likely than those maintained by men to have family incomes below the poverty level (34 percent compared with 16 percent).” Jason Fields and Lynne M. Casper, “America’s Families and Living Arrangements: March 2000,” U.S. *Census Bureau Current Population Reports*: 8.

The actual visual representation of the paternity test itself (used most notably on DNA lab websites) also reinforces the fixity of the mother and the flexibility of the father (see Figure 6). The test is structured so that the child is the central part of the test. The mother is the control group. The “alleged” father is the variable. The child gets one half of her DNA from each parent. So, in the lab, once the child’s DNA is mapped out, it is compared to the mother’s DNA. All of the common markers are eliminated from the total list of markers. The remainders are then compared with the “alleged” father’s DNA. If the markers match up, the man is no longer “alleged.” Of course, the process is a bit more complicated. There are samples to collect, centrifuges to run and probabilities to calculate.

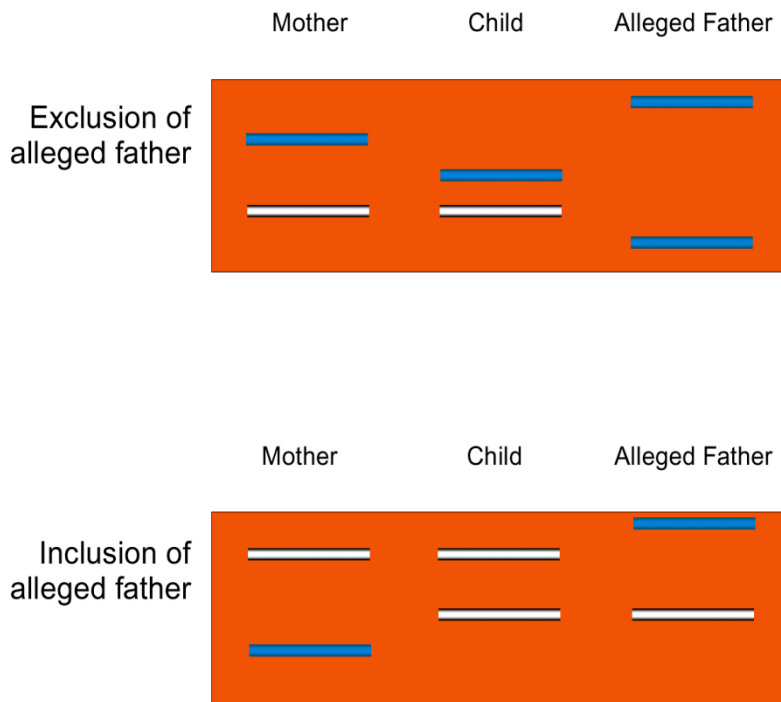


Figure 6: Paternity Inclusion/Exclusion Diagram¹²¹

Nevertheless, as the test is (re)presented, the mother is the standard. Is it a coincidence that her position in this test as the control for her child mirrors her social role as mother? The father is always “alleged,” he is not the father unless his markers match up. His rights and responsibilities as a father do not take effect until he is proven to be the

¹²¹ Diagram created by Wanda Knight-Griffin.

father.¹²² When thinking of the structure and use of this test, it is interesting to flip the terms and the logic. What might it mean to be an “alleged” mother? If paternity is determined through the DNA test, when and how is maternity determined? These questions seem ridiculous and obvious.¹²³ But, they are important to ask. They point to “alleged” biological imperatives that work to situate the mother as caregiver. Certainly the test can and has been used to determine maternity. Indeed, in Guatemala, the DNA test is used to determine a woman’s biological link to a child *before* she is permitted to give her child up for adoption and once again at the end of the adoption process.¹²⁴ It is also used by adopted children to verify the identity of biological mothers (often referred to as the “birth” mothers). And in these instances, the test is referred to as a DNA test, not a maternity test. However, when it comes to finding biological fathers, we still refer to it as a paternity test.

It is ultimately this same reduction of cultural meanings to assumed biological imperatives that sociologist and father’s rights proponent David Popenoe uses to rationalize social differences between men and women and to encourage marriage: “The source of this sex-role difference can be plainly stated. Men are not biologically as attuned to being committed fathers as women are to being committed mothers.”¹²⁵

Popenoe goes on to argue that women need to encourage men into marriage in order to

¹²² Alternatively, in some cases these rights and responsibilities are not terminated until he is proven not to be the father.

¹²³ Although recent research into adoption, reproductive technologies and surrogacy are effectively challenging assumptions about motherhood, making these questions not so obvious or ridiculous.

¹²⁴ “Guatemala Adoption,” *Adoption.com*. <http://guatemala.adoption.com/> Date Accessed 4/19/2012. Thanks to Tracy McLoone for bringing this to my attention.

¹²⁵ David Popenoe, “Life Without Father,” in *Lost Fathers: The Politics of Fatherlessness in America*, ed. Cynthia R. Daniels (New York: St. Martin’s Press, 1998), 36.

tame them and train them to be “committed” fathers. This is the neoconservative variant of the cultural logic of paternity. Such logic only works to reinscribe the mother’s position as caretaker, not only of children, but also of fathers. Further this logic suggests once again that the mother is fixed and that her role is to try to “fix” (in every sense of the word) the man as “committed” father (implying a feminized position, although “fathering” in this instance is still not the same as “mothering”).

While there are heated debates about motherhood’s relation to imaging, reproductive and particular genetic technologies, paternity tests remain unquestioned. They remain a form of science where the laws of the natural world still apply or at least go uncontested. Indeed, the cultural logic of paternity that lay behind the paternity test, the equation of paternal DNA as with paternal truth, has not been problematized (unlike the challenges to the “naturalness” of fetal imaging by feminist scholars). This resurrection of the father, made possible by the paternity test, relies on the assumption of the mother not only as caregiver, but also as accessible. After all, the standard form of the test would not work without her DNA.¹²⁶ The relationship between mother and child is concrete and material. In its design and implementation, the paternity test positions the father outside of the mother and child. The father’s relationship to the child is always “alleged” and contingent on the leftovers of the mother-child pair.

Illuminating the Subject(s): Revealing the Raced, Classed and Gendered Body

¹²⁶ Recent developments enable testing facilities to test without the mother. However, it is preferred to have the mother present.

They were the children wise beyond their years, precocious little girls, ambiguous schoolboys, dubious servants and educators, cruel or maniacal husbands, solitary collectors, ramblers with bizarre impulses.¹²⁷

“Precocious” girls, “ambiguous” boys, “cruel” husbands, “bizarre impulses”—and sometimes “cruel husbands” with “bizarre impulses”—this is the stuff of the daytime television talk show.¹²⁸ The quote above from Michel Foucault, while unwittingly describing (stereo)typical talk show guests, also leaves out the often key players in the daytime television talk show—women and their bodies. Sexy bodies, sexual bodies, motherly bodies, teenage bodies, old bodies, firm bodies, augmented bodies, fat bodies, thin bodies, misformed bodies and beaten bodies—spectacularized female bodies occupy primary places in the construction of the daytime television talk show.

In *Vulture Culture*, we argue that most talk show narratives rely on the presence, the availability and the vulnerability of these bodies. Although the body itself may not be the focus of every talk show episode (as it is in, say, make-over shows), the presence of the body as a female body (as mother, as whore, as temptress, as victim) is a core feature of the paternity-themed talk show. It is important to take account of the bodies associated with these “issues” of paternity, fidelity, parenting, sex and sexuality, violence and conformity. And while female bodies are the predominant bodies featured on daytime

¹²⁷ Foucault, *The History of Sexuality*, 40.

¹²⁸ For the purposes of this chapter, the daytime television talk show is one which purports to tackle “social issues.” Talk shows that predominantly feature celebrity interviews, such as *Rosie*, *Ellen*, and *Live with Regis and Kelly*, are not within the scope of inquiry. Furthermore, this essay will draw from examples from *Maury*, *Montel*, *Steve Wilkos*, *Jenny Jones* and *Ricki Lake* as these programs were easily accessible at the time of data collection and had weekly show synopses available on the internet. But, perhaps even more importantly, these shows combine information with spectacle in ways the *The Oprah Winfrey Show*, *Dr. Phil*, *The Ananda Lewis Show* and *Iyanla* do not. This is not to say that these programs construct female bodies and sexuality differently. I argue that they do not, they merely contextualize them differently.

talk shows, paternity episodes also call for the presence of male bodies (as father, as lothario, as deadbeat, as victim).

The body thus serves as a manifestation of materiality, a connection to the lived intimate experiences and histories of people. Bodies are the sites through which paternity is represented and mediated, conveyed and understood, lived and experienced. And while the paternity show primarily presents these bodies as sexed and gendered bodies, these are also raced and classed bodies. It is thus important to articulate the histories of these bodies, which account for their presence and, in some cases, absence.

Sex/gendered bodies, raced bodies and classed bodies—the presence of these bodies as separate, yet one and the same, haunts the talk show and much of the work on them. We know they are there, but do not know how to call them forth. Furthermore, we have to understand these bodies as representations—mediated, constructed and stereotyped. As representations, their complexity, their unique lived experience is collapsed into a familiar, formulaic “guest,” denied a history and a past beyond the confines of the program.¹²⁹ The sexed/gendered body is most often foregrounded, while the raced and classed body haunts the background, often silently signaling stereotypical codes.

With regard to the talk show, it is important to understand how sexed, raced and classed bodies are articulated. Sexed bodies are articulated initially by sight, but also by context; in this case, program topic and the body’s position in relation to the topic. It is

¹²⁹ For more discussion on the construction and maintenance of stereotypes, see Homi Bhabba, “The Other Question” in *Black British Cultural Studies*, eds. Houston A. Baker, Jr. et al. (Chicago: The University of Chicago Press, 1996), 98.

also through context that sexed bodies become gendered bodies on talk shows. For example, a show titled “That’s not a Boy! That’s My Daughter” frames a body that at first sight looks male, but then is situated and redefined as a female body through a make-over. The show’s drama is linked to the restoration of the unrecognizable and inappropriate female body into a recognizable and appropriate one. Classed bodies, however, are more challenging; they are not as “visible” as sexed or raced bodies. Classed bodies are articulated through language/education, dress and context. Indeed, sometimes simply appearing on a particular kind of show (for instance, *Ricki Lake*’s “You’re too young to have so many kids. Get your tubes tied or stop having sex”) is enough to mark the body as classed in a particular way. Thus, talk shows rely on the social and economic positioning of working class and poor women, who have often been forced to appeal to public welfare institutions to resolve family problems or to seek forms of support.¹³⁰

However, today, talk shows offer these same families (read: female-headed households) a dubious “opportunity” to get “help” in a decidedly different public forum. But these two publics (welfare and talk shows) are not terribly different, as the talk show relies on welfare discourse to frame its punishment/reform solutions.¹³¹ In the *Ricki Lake* example above, the solution is abstinence or sterilization (note that these are solutions enacted on the body). In paternity programs, the solution is framed as “responsible”

¹³⁰ See essays in *Women, the State, and Welfare* edited by Linda Gordon and *Feminism, the Public & the Private* edited by Joan B. Landes.

¹³¹ See Quail, Razzano, Skalli. *Vulture Culture*.

fatherhood and his resurrection back into the family. In both cases, class is mobilized to justify these punishment/reform solutions.¹³²

Whether the appeal is to state-sponsored assistance or talk show-sponsored assistance, *there are always consequences*. In the welfare system, obtaining public assistance means being monitored and labeled as poor, dependent, and needy in order to have access to the resources. As I will discuss in the following chapter, the federal government has made paternity designation mandatory in order for single mothers to qualify for welfare benefits. If paternity of a child is in dispute (or unknown), the state will order paternity testing. On talk shows, obtaining the assistance offered by the show (however dubious) means carrying these same labels into a media spectacle. Through class indicators such as fashion, language, and education—and in the ways that discourses about “welfare” and “dependency” are woven into the paternity talk show—we can begin to see how female bodies are also classed bodies.¹³³

For instance, in a 2009 *Maury* episode, we meet Deltra and Anthony, both African-American. Deltra claims that Anthony is the father of her three children. Anthony denies the children and says they all look like Spongebob Squarepants. In Deltra’s appeal to the program, we learn that Deltra has had her electricity turned off. At

¹³² I recently overheard a conversation in the grocery store between some employees. One was telling the other that she could always go on a talk show to get a paternity test and that the talk show would pay for their airfare and hotel. She could get the test, and all she would have to do is “act the fool” on the show.

¹³³ However, we should not assume that all guests on the show are working-class. On the “That’s Not a Boy; That’s My Daughter” episode mentioned above, the mothers and children are decidedly middle-class. During that episode, one grandmother talks of offering her granddaughter \$100 to wear a dress. Another mother is a fashion designer. And, all of the girls were involved in organized sports. While organized athletics does not always indicate middle class, we can easily imagine these particular mothers as “soccer moms.”

one point she confesses, “I’ve got no income. It’s hard.”¹³⁴ However, her appearance on the program yields results. Povich volunteers to pay her electricity bill and we learn that Anthony is indeed the father of all three children. Deltra is identified as poor and seeking assistance; indeed, she is positioned as (and actually is) a woman in need of help. But the help offered her takes a very particular form through Povich as benevolent patriarch and through the resurrection of the father through Anthony. And yet, one cannot but wonder in what ways Anthony will be able (and willing) to materially improve the lives of the children he so absolutely denied. Both Deltra and Anthony through the manifestation of their raced and classed bodies, conjure up stereotypes about welfare recipients and African-American fathers.

As we see above, raced bodies are articulated by skin color initially. But, they are also articulated in class terms, given their very presence on the show as families in need of financial help. Given the correlation, both real and imagined, between minorities and poverty, the connection between race and class is an intimate one. As Stuart Hall argues, “race is thus, also, the modality in which class is ‘lived,’ the medium through which class relations are experienced, the form in which it is appropriated and ‘fought through.’”¹³⁵ With regard to female, raced bodies, bell hooks reminds us that “[t]he woman who is seen as inferior because of her sex can also be seen as superior because of her race.”¹³⁶ The sexed/raced body has opportunities and limitations that are defined by sex/gender and by race.

¹³⁴ “I Had a Threesome... Who’s My Baby’s Father,” *Maury*, CW, WDCW, Airdate December 17, 2009.

¹³⁵ Stuart Hall, “Race, Articulation, and Societies Structured in Dominance” in *Black British Cultural Studies*, eds. Houston A. Baker, Jr. et al. (Chicago: The University of Chicago Press, 1996), 55.

¹³⁶ bell hooks, cited in Hazel Carby’s “White Woman Listen” in *Black British Cultural Studies*, eds. Houston A. Baker, Jr. et al. (Chicago: The University of Chicago Press, 1996), 72.

Examples of this are articulated in Ricki Solinger's *Wake Up Little Suzie* where she shows the ways that white single mothers are seen as having a psychological problem whereas black single mothers are seen as social dregs and "wanton breeders."¹³⁷ But these observations about race do not necessarily play out as clearly on the talk show stage. Talk show topics rarely focus on overt issues of race, or even class for that matter. The raced and classed body—one that comes to the show with its histories of colonization, racism, domination and exclusion—is more likely to be disavowed and erased.

The talk show as a genre thus discourages thinking about and accounting for raced and classed bodies. Instead, it mostly relies on assumptions about race and class, which are never confronted by the producers or the audience. Indeed, production processes work to tailor personal narratives such that complex personal histories and experiences are reduced and repackaged as spectacularized, confrontational vignettes. Meanwhile, the sexed, raced *and* classed body has been staring at us the entire time, but has never been allowed to speak out its history. The presence of raced and classed bodies often remains unacknowledged because these bodies are never articulated as such.

And yet, every now and again, race makes its presence known on the paternity program. An example that combines race, class and gender involves Sylvia, her husband Danny Jr, and Danny's parents Danny Sr. and Debbie. In this story, Danny Jr is torn between his parents, who deny his daughter Destiny, and his wife, who swears fidelity. All of the participants in this story are white. It is a very volatile and verbal segment,

¹³⁷ Ricki Solinger, *Wake up Little Suzie* (New York: Routledge, 2000).

much of it difficult to transcribe as each person was trying to scream over the other one. Issues of race and class manifest in the dialog between Sylvia, Debbie and Danny Sr. In a pre-taped clip, Debbie says, “When you were picking corn in the corn field, you were around all these men and you are not innocent. . .I have seven other grandchildren that I have a love and a connection with. I feel nothing for your baby. Nothing at all. . .” Danny Sr. takes Debbie’s comments up a level, “You ruined my son’s life and now you’re going to pay. . .This baby looks nothing like my son. It looks Hispanic. . .I told you once and I tell you again today that I do not like you...”¹³⁸ There is a vitriolic tone in Danny Sr.’s voice, one that then underscores the connection between field labor, race and gender and a disdain for the white woman who has had sex with a non-white, field laborer. Danny Sr. and Debbie’s denial of this child is premised (and in their mind, seemingly justified) in part by their visual perception that the child looks “Hispanic” and their belief that Sylvia’s sexual history is suspect. In labeling the child as such, it brings their own whiteness into focus. And their position does not change towards Sylvia once the test proves Danny Jr. is the biological father. Instead, the segment ends with Debbie calling Danny Jr. a “wimp.”

Other similar examples can be found, almost always employed by the father (or the father’s relatives), where the child is “too black,” “not black enough,” “doesn’t look Mexican” or is “too pale.” On one *Maury* episode, Sean, a light-skinned African American man claims that the child in question is “too yellow, light-bright like the sun” to be his baby. The mother Cassandra responds, “My baby coulda came out purple, pink

¹³⁸ “1 Man...2 Sisters...Is He the Baby’s Dad?” *Maury*, CW, WDCW, Airdate September 21, 2009.

or yellow. It don't matter, you still the father of my child." She goes on to say, "I'm black and you yellow. We all black—African-Americans." At the end of the segment we learn that Sean is the father of Sean Jr. Cassandra, crying, says to Sean "See I told you, it don't matter about no color of no skin."¹³⁹ And yet, skin does matter.

In these cases, race is usually mobilized by highlighting the relationship (or lack thereof) between the father and the child. It is the child's body that is used to introduce overtly raced subjects, not just in terms of the baby, but the parents as well. But, I should note that this tends to be a strictly biological understanding of race. By that I mean that the focus is on features and skin tone, hair textures and eye color without an acknowledgement of the social and economic histories of raced subjects, allowing stereotypes (like the ones put forth by Danny Sr.) to remain unchallenged. This incarnation of race on talk shows provides an interesting link to the interplay between common sense visual culture ("he looks just like him") and common sense understandings of biology. For instance, can two seemingly black people have a light-skinned, light eyed child? (Well, yes.)

But, this is more than just a question of articulation of particular bodies. What is revealed here is the construction of spaces that disavow the presence, legitimacy and recognition of particular bodies, experiences and histories.¹⁴⁰ We can see in the case of

¹³⁹ "You Slept with an Ex... Will DNA Prove I'm the Dad?" *Maury*, CW, WDCW, Airdate December 15, 2009.

¹⁴⁰ This understanding of racism and domination is highlighted by Wahneema Lubiano when she talks about narratives of the state: "domination is so successful precisely because it sets the terrain upon which struggle occurs at the same time that it preempts opposition not only by already inhabiting the vectors where we could resist (i.e., by being powerfully in place and ready to appropriate oppositional gestures), but also by having already written the script that we have to argue within and against." Wahneema Lubiano, "Like Being Mugged by a Metaphor: Multiculturalism and State Narrative," in *Mapping*

Cassandra above the interplay of race, class and gender. Cassandra's use of language situates her class position. She confides to Povich, "I struggle everyday. He don't help me with nothin'." When the results are read, Sean walked off stage, passing Cassandra who gets in a smack across the side of his head (carrying out a threat she made earlier in the program). While we are encouraged to triumph in Cassandra's victory (and indeed the studio audience loudly cheers her threats and her actual violence), Cassandra is marked by her dark skin, her class and her gender as just another young single mother. Likewise, Sean is marked as a dead-beat, wanting to shirk his responsibilities to both the child and to the system.

In the following sections, I will return to the primarily gendered body, as I argue that paternity is particularly preoccupied with men and women as fathers and mothers. But, it is important to note, that being a father and mother is more than just a gendered position. As the above discussion demonstrates, fathers and mothers as subjects are also raced and classed (which will become clearer in chapter 3 where I examine welfare legislation).

Moving forward, I will highlight the ways that assumptions and stereo-types of race, class and gender are mobilized (and at times contested) even as the primary subjects of the paternity show are narrowly envisioned as mothers and fathers. They are bodies defined, structured and spectacularized as female and male, relying on an implicit biological presumption of what makes these bodies mothers and "alleged" fathers. And while there may be hints of personal histories, the experiences of these women and men

Multiculturalism, eds. Avery F. Gordon and Christopher Newfield (Minnesota: University of Minnesota Press, 1996), 66.

as raced and classed bodies are rarely acknowledged overtly. Nevertheless, there are always presumptions and wonderings about the relationships between these bodies and social/welfare/justice institutions calling forth the specters of the welfare queen and dead-beat dads, and reinforced in Williams' "so we don't have to pay for your child."

Paternity and the Televisual Construction of Mothers and Fathers

In thinking about the implications for an uncritical acceptance of the paternity test's scientific authority as well as the implications for the complex dynamic around gendered, raced and classed bodies on talk shows, I am reminded of an experience I had several years ago while substitute teaching. I walked into a classroom where a young, male student was reenacting an episode of *Jerry Springer* he had seen the day before using two stuffed animals from the teacher's desk. With plenty of exaggeration and his own "bleep"ing of curse words, he mimicked a "you stole my man" scenario in the confrontational style for which the program is known. It wasn't long before I became aware of the large number of students discussing the talk shows they had watched after school the previous day—in homeroom, at lunch, as well as before, after, and, yes, during class. What I came to understand is that when youth watch these programs they do not come away unaffected. Rather, these students have learned the style, convention and formula talk shows use to construct narratives, assumptions and beliefs about people, their problems and everyday life. To act as sites of cultural pedagogy, these programs rely on our acceptance of a scientific authority and our assumptions about gender, race and class. Paternity programs in particular present specific ideas about mothers/women and fathers/men, their relationship to children, the types of conflict between mothers and

fathers, and how that conflict can be resolved. And one is left to wonder how these assumptions get incorporated, understood, and represented in the lives of these students.

Media reception theories have demonstrated the difficulty in accounting for a full understanding of the complex ways these young men and women use talk shows to inform their own understandings of the world. However, what we can say is that these shows proffer scripts—ways of seeing, knowing and being—that are then negotiated with other scripts in these students’ lives. They offer scripts on deviance, sexuality, fashion/style, family, fidelity, and intimacy, (all muddled in relation to race, class and gender). They touch on everything from the mundane to the taboo, and in doing so proffer “normalcy” and “deviance,” “us” and “other,” “good” and “bad.” In this proffering, there is also an erasure. These binaries set up constructs that eliminate, disregard, and obscure alternate ways of seeing, knowing, being.

I argue that these paternity programs proffer several lessons. First and foremost, they teach us that sex has consequences, one of which is pregnancy and the resulting child. Second, they reinforce the scientific authority of the paternity test as the mode by which we can identify the “real” father. Thus, we move the sex act from the bedroom into the laboratory, breaking it down into DNA components and erasing the intimate connection between people. Third, the combination of the spectacle of the show and the authority of the paternity test results in a rethinking of mothers/women in relation to paternity. With the increased repetition of these paternity narratives, the mother is positioned as unreliable. Her authority to name the father of her child(ren) is overridden by the scientific authority of the paternity test. We simply do not trust her. Fourth, these

programs reinforce the father's privileged place in the family and in our culture. And yet, in its mediated representation of mothers and fathers, these shows are riddled with moments of conflict and contradiction. These moments can best be seen in what I argue are the two key constructions of the paternity show: 1) Disempowered Motherhood and 2) Responsible Fatherhood. Both of these positions further illuminate the moments of fixity of the mother and flexibility of the father.

Baby-Mama Drama—Disempowered Motherhood

The paternity episode manufactures the paternity narrative according to a particular formula. In this section, I highlight three elements of the talk show formula, which work to construct a disempowered motherhood. The first is the verbal accosting of the mother by the father (and sometimes the father's current girlfriend or family member). The second is the mother's articulation of the father's responsibility. The third is responsibility placed on the mother to encourage and accommodate a relationship with the baby's father. While these moments are related to and influenced by each other, they represent different moments in the narrative of paternity. An analysis of the paternity talk show highlights the questions of responsibility—both the father's responsibility to the child and the mother's responsibility to name the father of her child—as well as questions of responsibility in relation to welfare/support.

When watching these programs, it can be quite shocking to see the ways that women as mothers are portrayed by the “alleged” fathers. In some instances it is flat-out verbal abuse. This usually occurs in the form of a pre-taped clip after the woman has made her case to the host and before the man comes on stage. And, sometimes it happens

again before the test results are read. One particularly offensive instance occurs on an episode of *Maury* and will serve as a good introduction here. On this episode, Terry, the father, invokes race and gender as he unleashes a particularly violent, aggressive and demeaning diatribe on Connie, his ex-girlfriend and the baby's mother. Terry says:

Connie, I'm 150% sure I'm not the father of your kid Niklos. Connie, our relationship was out of pure convenience. I needed a woman to be my whore and you were my whore. You're a lyin' piece of xxxx. You know that kid ain't mine. And you better stop harassing me. Connie, you're a money hungry bitch who used me for everything I got. I know you slept with six other men and a girl. What's up with that? You're nothing but a ho. The kid has red hair. He's paler than Casper the Ghost. I'm not the father! You're nothing but a manipulating bitch.¹⁴¹

It is important to note here that Connie is white and Terry is Hispanic. Connie is positioned similarly to Sylvia, but in this case her child is accused of not being dark enough. Still, Connie is labeled as whore and money-hungry and as participating in an (seemingly frowned-upon, at least by Terry) inter-racial relationship.

Another instance occurring on *Maury* involves 18-year-old Becky and her ex-boyfriend Chris. Becky has left Chris for his best friend Joey and now Chris is denying paternity of her son Ryan. In this story, Chris says, "My ex Becky told me lie after lie throughout our relationship. Now she's trying to say her son Ryan is mine. I'm sick of the drama. I just want the truth to come out. Becky told me out of her own fat mouth that she cheated on me while we were together. . . Becky's nothing but a money-grubbing whore who is trying to take advantage of a hard-working guy like me."¹⁴² And still in other

¹⁴¹ "I'm only in the 8th grade. . . are you my baby's daddy?" *Maury*, Fox, WTTG, Airdate May 29, 2003.

¹⁴² "We Saw Corrie on Maury... Test Him, He's Our Babies' Father," *Maury*, CW, WDCW, Airdate February 8, 2010.

examples men use accusations such as “scandalous troll,” “low-down, lying, conniving bitch,” “crazy, money-hungry bitch,” and “you’re a compulsive liar you stupid bitch.”

The repeated use of the term “bitch” and “whore” in these attacks has become common-place, part of the talk show discourse. But, we have to wonder, what makes it acceptable to treat anyone this way? Why are the men on these programs given a forum to debase the women who are often the mothers of their children (five of the six speakers quoted here are the father—including Terry)? We can speculate that it may have originally been done to emphasize the moment of the “I told you so” wrath when the mother proves she was right. However, these open and encouraged tirades position mothers socially, politically and economically. Regardless of the type of paternity show, the verbal assault on the mother is the first step positioning the mother as “bitch,” as untrustworthy, as a bad mother, and, perhaps most importantly, as powerless. The woman’s very presence on the show calls her behavior into question. This speaks to the powerlessness of women as mothers who must subject themselves to this narrative in order to legally identify the father of their children and get support.

These moments when mothers are being debased speak to the raced body--the disavowed body of the talk show. Even as I construct paternity primarily as a function of patriarchy and the female body, the effects of paternity’s hegemony have dramatic implications for the raced body. For instance, black female bodies have historically been “portrayed by politicians, sociologists, and others in the postwar period as unrestrained, wanton breeders, on the one hand, or as calculating breeders for profit on the other.”¹⁴³

¹⁴³ Solinger, *Wake up Little Suzie*, 9.

One need only recall the debates about the “welfare queen” to get a flavor for the political rhetoric attached to this image. The social and political distain attached to the raced female body sneaks into the talk show discourse through the very specter of the “welfare queen,” (money-hungry and manipulative, lying and conniving). Merging this historicized account of the raced and classed body with the above accounts of the gendered body, we begin to see the discourses and processes by which these women become “bitches,” “whores” and “scandalous trolls.” The welfare queen’s relationship to the state mirrors these mothers’ relationships with the fathers.

As the cases of Connie, Deltra, Sylvia and Cassandra demonstrate, in the liberal multicultural discourse of the talk show, the playing field is leveled such that all the women are suspect, subject to the same scrutiny as the raced, female body. In *Vulture Culture*, we briefly discuss how illegitimacy was once seen as a fixable psychological problem for white women and a sign of inherent moral inferiority in black women.¹⁴⁴ These pop culture representations no longer treat white women and black women differently. Instead, this has become a debate about the classed female body who must subject herself to the father, the state and the talk show in order to get assistance in raising her child. White, Hispanic, black and mixed-race women all live with the legacy of the welfare queen.

This takes us to the second talk show moment where the mother is asked to articulate her expectations of the father. Most often the mother wants three things from the father: financial support, emotional support and a “father” for their child. In the story

¹⁴⁴ See also Solinger, *Wake up Little Suzie*.

featuring Connie and Terry, Connie tells Povich that Terry only began denying paternity when Connie started asking for child support. Terry tells Povich, “That ain’t my damn kid and I’m not payin’ for something that ain’t mine.” To which a visibly-upset Connie replies, “You know what? You’re paying for him because you signed the paperwork. He’s your kid.” Later in the show Povich asks Connie, “What do you want from him if he is the father?” Connie replies, “Either A. be a full-time father as much as he can or B. walk away and don’t ever contact us again.”¹⁴⁵ On the same episode, a mother named Tabitha says that she wants a father present for her daughter: “I never thought I was going to be a single mom. . . He’s missed her Christmases, her birthdays, her first words, which were daddy. . . After the DNA test proves she is his, I want him to stop denying her.”¹⁴⁶ But, it is April who says one of the more frequently used statements regarding a father’s responsibility: “I’ve tried to make him be a father. I didn’t make her on my own. I’m not gonna raise her on my own. We made her together.”¹⁴⁷

These responses from Connie, Tabitha and April at once affirm and speak to the failure of Popenoe’s logic on securing committed fathers. All these women agree that their child needs a father, however, all their coaxing and pleading cannot secure him. Even once the paternity test confirms biological paternity, the father’s flexibility remains. We can see this in the case of Sean and Cassandra. When Sean finally says to Cassandra, “I’m gonna be there as much as I possibly can be,” Cassandra breaks down and cries seemingly relieved that she will get some help. However, this is hardly a firm, full

¹⁴⁵ “I’m only in the 8th grade. . . are you my baby’s daddy?” *Maury*.

¹⁴⁶ Ibid.

¹⁴⁷ “The Wildest, Most Memorable *Maury* Guests,” *Maury*.

commitment on Sean's part. He still maintains the ability to define the extent of his relationship to Sean Jr.

In these instances, the talk show spotlights the flexibility and confusion of fatherhood. Who is a father? How can one "make" a man be a father? What is the father's role in raising a child? And what are the implications of Tabitha's daughter's first word being "daddy"? Certainly, in these cases, being a father means paying for the child. But it also means something else. Connie wants Terry to be a full-time father, while Tabitha and April both express the need for a partner in raising their children. They want the men to be active in their child's life. They want some help in the difficult job of parenting. And, Tabitha suggests that her child also expresses a need for her father.

But here again, the father gets the flexibility of deciding what his relationship will be. In some paternity episodes, the father, once determined by the test, wants custody, as in the case of Lorraine and Daniel quoted above. In other episodes, the fathers agree to pay child support but do not want a relationship with the mother or child. Most often, fathers choose a middle ground. And yet, in all these talk show cases, the only decisive action the mother can take is to petition for child support; her relationship to the child is already determined. In this way, the woman remains fixed as mother, as dependent, as needing support. Again, this very logic of paternity necessarily positions the mother as fixed with limited choices.

The third moment is an interesting twist on the idea of disempowerment. Here mothers are invested with the "power" to both encourage and accommodate their child's relationship with his/her father. While there are moments throughout each episode that

focus on what the mother has done/can do to either encourage or disrupt the relationship between child and father, the formulaic moment comes after the test proves the man is the father. Often, the man experiences the woman's in-your-face, "I told you so wrath." At which point, the woman may call the man names, yell, point and dance, or sit in the chair and smile smugly, or cry. But, these reactions should not be surprising after the verbal assaults aired earlier in the program. One could argue that if these women harbor animosity, they have a good reason; after all, there are few experiences as demeaning as being called a "bitch," "whore" or "scandalous troll" on national television (and in some instances, even after paternity test results in their favor, the women are still debased and called names, i.e. "So what?! You're still a whore.") And, yet, once order resumes on the stage, the hosts inevitably undermine this moment of victory. For instance, on one episode of *Montel*, Williams had an especially difficult time with one mother. She was young, disrespectful and under attack. At the end of the episode Williams says, "I hope that there are teenage girls watching the screen right now. I really do. I hope you're watching and paying very close attention because you can be as much a reason why your baby does not have a father as the man who's not taking responsibility."¹⁴⁸

Povich expresses a similar sentiment on *Maury*. In one episode, 16-year-old Samantha and her mother Mary have brought 18-year-old Jashua for a DNA test. Samantha and Mary claim Jashua promised to be there for Samantha and baby Skyla. However, since Skyla was born, Jashua has seen her one time. Jashua claims that the reason he does not see the baby is because Samantha and Mary will not let him. In

¹⁴⁸ "Paternity Questions. . .Are the Rumors True?" *Montel*.

Jashua's pre-taped segment, he calls Samantha a "two-faced lying whore." Prior to the results being read, Povich asks Jashua whether he will be a father to the baby if the test proves paternity. Jashua responds, "If that's my kid, I'll definitely take care of it, but I'm not dealing with these two over here." When the results are read, we learn that Jashua is the father. Samantha yells across the stage to Jashua, "Thank you. I'm a slut and a whore now, right? Right?" Povich moves over to the middle of the stage between Samantha and Jashua. He looks at Samantha and Mary and says, "You've got to allow him to be in this child's life." Mary replies, "He's got to allow himself to be." And Samantha replies, "He's not gonna be. I'd like him to be, but he's not."¹⁴⁹

And so it seems that mothers have to do more than prove paternity in order for their child to have a father. They have to be nice, amiable, appeasing. The mother-as-whore is responsible, then, for her sexuality as well as the man's, and for encouraging the father-child relationship. In this way, the woman is continually asked to suppress her feelings and desires in both her romantic relationships and parental relationships (in this case, to do "what's best" for the child). But this is not to say that fathers do not face their own set of conflicts and contradictions. Samantha's and Mary's responses to Povich are unusual in the talk show narrative. They mark a moment of rupture where the issue of responsibility comes in to play. In this instance, their responses work to reframe and focus the issue of responsibility back on to the father. And it is around this issue of responsibility that we can see the ways that the paternity test, as it is used and implemented on daytime talk shows, challenges us to consider what makes a father.

¹⁴⁹ "1 Man. . . 2 Sisters. . . Is He The Baby's Dad?" *Maury*.

Step Up to the Plate—Responsible Fatherhood v Deadbeat Dad

Recent developments in paternity testing have made it possible to identify the biological father of a child with near 100 percent certainty. As discussed above, paternity testing sorts the child's genes into discrete markers, which are then matched first against the mother. After factoring out the mother-child pairs, the remaining markers are matched against the father. If they line up, the test determines that the man being tested is the biological father. While this is a seemingly straightforward, scientific test identifying the father with a verifiable result, when the test is used in the talk show format, we can see that the question of fatherhood becomes vastly more problematic and complicated. There are two main arenas of contradiction involved in naming the father on the talk show. First is the issue of responsibility—what are a father's responsibilities to his child? Second is the larger idea of what makes a father—a biological relationship and/or a social relationship?

In show after show, men are asked if they are going to “take responsibility for,” “be responsible for,” or “step up to the plate for” their child. This often coupled with a call for him to “be a man” or to “man up.” Most often the fathers say they will “be responsible”, *if* the child is proven to be theirs. But what might this responsibility look like? This question of responsibility is left lying on the talk show floor. What differentiates a “responsible father” from a “dead-beat dad”? There is an assumption on these programs that the father's first responsibility is a financial one. We need only to refer to the *Montel* episode quoted above to see how this might play out. Williams says to the young father that he did not care whether the father spent time with the child.

According to Williams, this father's sole responsibility as a father is to "pay for your child" so "we" do not have to. Of course the "we" here being taxpayers supposedly supporting the mother and child through public assistance. In this way, the question of responsibility and money become connected to the larger problematic concerning the relationship between gender, race, class and state institutions such as welfare. The talk show positions the search for paternity as primarily a means for securing financial support for mothers and children; and this aligns with the state's order for mandatory paternity determination from mothers seeking state assistance. Positioning the father's responsibility as a financial one, a man can be a child's father even though his only connection to the child is a check in the mail once a month.

However, mothers on the talk show, while most certainly seeking financial assistance, are also in search of a partner in raising their children. In identifying the father, they are also looking for someone to share the non-financial responsibilities of parenting, such as nurturing, and decision-making about education and health care. On a 2009 *Maury* episode, we meet Allegra and William. Allegra is a spectacle personified—an animated African-American woman with full lips and purple hair. She brings William to the show to prove he is the father of her 3-year-old son. At different points during her appearance she speaks to not only what she believes is William's financial responsibility, but she also points to his social and emotional responsibility. She says, "I can't do this by myself. . .Daddy need to be a Da-da and embrace my kids. . .But you know what, oh baby, you will be paying child support. Can I get my money? Can I get my money?" Although we are encouraged to support Allegra (the audience cheers for her and boos for

William), doing so positions Allegra as dependent. This is further underscored when we learn that Allegra is homeless and has been living in a shelter. “My son didn’t even have a cake for his birthday this year and that hurts because I’m not the one that laid down by myself to have him.” Later in the program, William says he feels as if he was “being played” but that he was “there for” Allegra. Allegra responds, “Yeah, you was there but you ain’t there now. I need there you now. What about now? What about f****in now? Whatever. When Maury say ‘You are the father’ eehhh can I get my child support?”¹⁵⁰ In the exchange between Allegra and William, we see how the issue of responsibility gets murky. Allegra’s articulation of William’s social responsibility is always underscored by his financial responsibility. In the end, we find out that William is not the child’s father. The over-confident Allegra runs off in shame and we are left knowing that Allegra is homeless, without a job and has multiple mouths to feed.

¹⁵⁰ “1 Man. . . 2 Sisters. . . Is He The Baby’s Dad?” *Maury*.



Figure 7: Allegra comparing William to her son

Financial responsibility becomes the bare minimum that is expected of a father. But, many of these women also believe that their children's lives will be detrimentally affected without a father's presence. We can also see this in the case of Nichole and Brandon. Nichole brings her boyfriend Brandon to *Maury* to see if he is the father of her two children. She only acknowledges doubts about her daughter Destiny's paternity, but Brandon wants both children tested. Nichole fears losing Brandon as a support system for herself and the father figure of her children, "I'm scared that Brandon's not going to be

there for us any more and they aren't going to have a daddy. I know what my kids are going through because I grew up not knowing who my father was.”¹⁵¹

The demands and fears of Allegra and Nichole are mirrored in ethnographic work on men, women and children in unmarried families. For example, Maureen Waller's research on low-income, unmarried parents in Trenton suggests that the mothers and fathers she interviewed held a general consensus across racial lines as to what makes a “responsible” father. The most important factor was a father who was emotionally involved. The second was a father who provided guidance. The third was a father who provided financial support. Waller's findings suggest that many of the mothers recognized the fathers' own limited access to financial resources and so, would only pursue child support through the court system when the father failed in his other “responsibilities.”¹⁵² The talk show's use of the paternity test and its emphasis on financial support works to create a version of fatherhood that at once identifies a father, but at the same time points to the ways that we are unable to define what it is that makes a man a father. So we are left to wonder what a responsible father looks like? What does it mean to take responsibility for a child?

What is revealed, then, is that while the paternity test can reveal a biological father, we find that biology itself isn't sufficient in defining who and what a father is? Paternity testing has brought a number of social and legal challenges to the definition of fatherhood. We are forced to ask if a man is any less the father of a child he has been raising if a paternity test determines he is not the biological father. Does the absence of a

¹⁵¹ “My Daughter Sleeps Around... You're Not Her Baby's Dad,” *Maury*, CW, WDCW, February 22, 2010.

¹⁵² Waller, *My Baby's Father*.

biological connection fundamentally alter the already existing relationship between the man and the child? In the case of Nichole and Brandon above, Brandon says, “I love Destiny with all my heart. No matter what these results say, I will always be her Dad. . .I knew from the start that I may not be Destiny’s father. But from day one I wanted to step up and be Daddy.” When the results are revealed, we learn that Brandon is not Destiny’s biological father. On stage, Brandon says, “That’s alright.” He then asks Povich if he can hold Destiny. He then turns to Nichole and says, “I’m not going anywhere. I’m staying here.” Brandon exemplifies a counter to the biological-father model that is proffered by the paternity test. He is a rupture in the common-sense logic linking biology to paternity and fatherhood. His presence speaks to the ways in which families are formed through chosen relationships, not necessarily blood relationships. Thus, the “father” is the man who changes the diapers, goes to the athletic events, and gives comfort and support to both the child and the mother. It is now possible to speak in terms of biological fathers and rearing fathers.

Life Is Complicated: Paternity Talk Shows and Everyday Life

This chapter has examined the use of the paternity test on daytime television talk shows because they allow us access, albeit mediated and spectacularized, to a site where the test and its corresponding logic of paternity play out in individual people’s lives. But it is also a site which communicates ideas about science, about justice, about needs and about responsibilities relying on discursive and institutional knowledges emanating from welfare, social work, legal professions, feminists and father’s rights movements (to name but a few). As a form of vulture culture, the resulting media product combines these

disciplinary and discursive knowledges with spectacularized personal narratives, and conventional, standardized production processes to at once validate the program itself and solidify the authority of the program (its host, its use of the test as well as the authority of the test).

I have presented a brief history of the paternity test and its relation to other medical imaging technologies in order to connect it to a specific history where scientific authority trumps personal, individual experience or observation. In the deployment of the paternity test on talk shows, we can see the tensions and contradictions in our existing constructions of gender and the family. First, the paternity test by default frames families as heterosexual, thus re-inscribing two-parent heterosexual families as the norm against which all other families are judged. In addition, the test not only defines fatherhood in terms of biology (i.e., the search to find “the father” is a biological search), but also assumes that the mother-child relationship is fixed biologically—that this mother, in short, will always “be there” at the center of the child’s life.

Furthermore, while we can indeed view the paternity test as an attempt to also fix the father, what we find in fact is that our current understandings and expectations of fatherhood remain somewhat flexible. His primary responsibility to the child is presented as a financial one. His emotional and social relationship to the child remains unenforceable. Thus, I suggest that in too many cases, this leaves fathers unable to meet the physical, emotional, social and economic needs of these children and their mothers. Conversely, the test at once fixes the mother as the control group for the child and

assumes her presence, but also at the same time undermines her authority to *name* the child's father.

Finally, in their mingling of science, welfare and spectacle, these paternity programs are complicated by their mobilization of gender, race and class stereotypes. Perhaps we can see this most clearly in relation to Allegra's story above. At one point during their segment, William says, "Allegra is struggling, but she wouldn't be going through this if she knew who her baby Daddy was. I am not a sucker." Allegra is the mother of five children. She is black. She is unemployed and homeless. And it is all her fault. Tellingly, William's comment goes unchallenged. In fact, at the beginning of their segment, William says that his family warned him that Allegra was the kind of woman who would land him on *Maury*. So we are left with the assumption that if Allegra were a better sort of woman, if she were not sexually active, if she were better educated, if she was more responsible, she would not be on *Maury* looking for her baby's daddy (and the financial resources he may then be obligated to provide).

In this way, her very presence on the show marks her, and every other woman who sits on the talk show stage, as suspect and in need. Regardless of race, all these women, in addition to being mothers, are also potential "bitches" and "whores" who "lie" and are "money-hungry." Framing them as such, works to undermine their expressions of their need for a partner, a co-parent, not just for financial assistance, but in the day-to-day challenges of raising a child. In thinking about William, indeed he is no sucker—he is not paying for something that is not his. His freedom, his time and his money are safe, unburdened by the responsibilities of fatherhood.

And yet, not all men feel they play the sucker when they take on the role of the father. The case of Brandon above is representative of an increasing number of men who come on to these programs wanting to be the father of the child they have been raising, wanting to “step up and be Daddy” regardless of whether they are the biological father. This incarnation of fatherhood includes changing diapers, attending school events and being a support to the mother, in many ways, this is the “fixed” father. But, still for the non-biological father, this is a chosen role. One he is lauded for taking, but one that he has no legal obligation to fulfill.

At the core of this chapter is the argument that paternity testing prefigures a father. Whether it’s a biological father, a social father, or an absent father, the paternity test works to resurrect the father (and with him a very particular form of family). As in the case of Brandon and Destiny, we’re calling forth a “father” in some form. We feel good about the future of Destiny’s life because she has a man willing to father her, despite no biological connection. But I argue that the resurrection of the father, in both biological and social forms, masks larger questions of needs and responsibilities. More often than not, women on these shows need financial help—for childcare, for medical bills, for housing and food. But they also need time, emotional support, someone to take the kids for just a few hours so they can run errands, someone to help make decisions regarding schooling and discipline. It takes more than money to raise a child. And, just finding the father simply does not ensure that these needs of the mothers and children are going to be met. The father’s flexible status elides this potentially fixed position. Fatherhood remains a chosen role in actuality, and increasingly conceptually.

Resurrecting the father works to distance societies' obligation to the health and well-being of children and their care-givers and shift it onto the father. Once identified, the father is supposed to "be responsible" and "step up to the plate." But we are still unclear what that means. What exactly does a father need to do to be considered "responsible"? And, what might happen if there is no father? How might we meet the needs of mothers and children?

What we can ultimately learn from these paternity shows—whether about sex, family, friendships or science, policy, law—is that life is complicated and unpredictable. While paternity programs have a very rigid conventional style, the individual lives presented to us are complex and often messy. They involve intense emotions, physical bodies, and life histories that may erupt, creep, or simply manifest on the talk show stage. Sometimes these emotions, bodies and histories are markedly present. At other times, they are haunting the programs' narratives. The paternity shows try to keep these lives in-line with the proffered paternal scripts through format and formula. Sometimes these lives conform to the scripts, and sometimes they don't. These ruptures, in turn, can sometimes alter the scripts, as in the case of Brandon and Nichole, forcing us to rethink how we understand and respond to larger questions of fidelity, love, and sex.

Indeed, in the talk show's presentation of complicated lives, we come to see the ways in which scripts promoting a biological definition of father can fail families. I would even go further, to suggest that the complexity of these complicated lives opens a space that not only highlights failures in our current understanding and construction of the family but also opens up new spaces to think about alternate family forms. Paternity

testing insists on the presence of a father in a child's life—"kids need fathers." But what many of these paternity programs reveal is that his presence is not a reality, and thus these families are already constructed as failures under that model. So, the new question could become how might we reimagine and reconstruct our understanding of family differently so that it, matches the state of families in our current conjuncture, and meets the financial, psychological and emotional needs of children and their caregivers. Recognizing and understanding that life is complicated opens up a space that is at once unsettling and liberating.

CHAPTER 2—"IN LIGHT OF THIS DEMONSTRATION OF CRISIS IN OUR NATION": PATERNITY, RESPONSIBILITY AND WELFARE

On a 2010 episode of *Maury*, we are introduced to a paternity narrative involving Rita and Craig who have been friends since they were 13 years old.¹⁵³ Craig is the godfather of Rita's oldest child. Their friendship turned to romance, and then the romance soured. Now they are on *Maury* because Craig denies paternity of Rita's two year old son. During the course of the segment, Rita pleads, "My son needs shoes. My son needs clothes. Christmas comin' up. He just had a birthday. Where were you?" A few moments later, Craig is asked whether he's seen his son. Craig replies, "I told her I was going to come by, and I was gonna pick him up. Once I saw him, I picked him up and set him right back down. And I was gone. And I was gone, Maury. I was gone."

Here Craig implies that he does not believe the boy looks like him and so he feels no obligation to this boy. When Povich asks whether Craig will take care of the boy if he's the father, Craig replies, "If he [sic] my son, I'm going to take care of him like I take care of all the rest of my kids. I'm gonna keep him fly." Craig does not elaborate on what it means to "keep him fly," nor is he asked to do so. Still, manifest in this televised moment is a discussion about responsibility and needs, about when, and under what conditions, men should take "care" of children and keep them "fly."

¹⁵³ "We Saw Corrie on Maury...Test Him, He's Our Babies' Father," *Maury*.

When the test results are revealed, we learn Craig is the father. In response, Rita falls to the floor and slaps her hand on the carpet. Craig turns and walks towards the back of the set. He is distraught and in disbelief as he walks around the stage, then sits at the back of the stage, facing away from the audience repeatedly saying “Aw man. Damn. Man!” Povich walks over and tells him, “It’s going to be alright.” Craig says, “I can’t have no more kids man. Oh, she gonna put me on child support.” Povich says, “It’s yours Craig. It’s yours.” Craig continues with “Aw man. Damn, Maury.” Povich continues, “I know you’ll be a stand up guy and take care of him.” Craig says, still shaking his head, “I don’t have no [sic] choice. I’m gonna take care of him, but man.” Povich escorts Craig back to the center of the stage and says (initially looking at Craig, but then directing his comments to Rita) “It doesn’t help the child if you all get in each other’s face, okay?” (turning to Rita) “Don’t argue a lot. You are parents together.”

I want to open with this narrative of paternity to suggest the connection between public policy and people’s everyday lives. Media programs such as talk shows provide narratives where questions about (whose) needs and (whose) responsibility are attached to the paternity test and thus to the sites in which the paternity test is mobilized. Many of these programs allude to the state when questions of child support emerge. For instance, consider how the positive paternity test prompted Craig’s statement that “she gonna put me on child support.” We know Craig has other children and Craig’s response to the results and to Povich suggests that he already has experience with the legal and social institutions that mandate child support; he “don’t have no choice.” As we will see, biological fathers are encouraged to willingly provide financial support to their children,

but when they do not, when they shirk this responsibility, the state has coercive means to collect child support.

The paternity themed talk show is full of allusions to state welfare and juridical institutions. Whether it is “so we don’t have to pay for your child” or “admissible in a court of law,” talk shows draw upon and reaffirm the paternity test’s validity as both a scientific and legal document. Understanding the talk show as a form of vulture culture in which the “media scavenges the narratives, discourses, knowledges and the everyday common-sense of our culture and presents them back to us as information, spectacle and entertainment,”¹⁵⁴ we can begin to see the connections between media objects and the state through concepts, language and ideology.¹⁵⁵ Here, I suggest the talk show’s mobilization of these conceptions of needs and responsibility can be linked to a larger logic of paternity that also informs public policy.

In this chapter, I examine how the paternity test and its specific logic of paternity are mobilized in public policy, specifically the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) and Child Support Enforcement programs (CSE).

PRWORA is the Clinton-era’s signature welfare reform. The act itself replaced Aid to Families with Dependent Children (AFDC) with Temporary Assistance for Needy Families (TANF). The key reform measures were to (1) limit the amount/need of cash assistance, (2) limit lifetime benefits for welfare programs to 60 months, (3) seek to reduce assistance by requiring recipients to actively seek employment (welfare-to-work programs), and (4) require mandatory paternity establishment for children receiving

¹⁵⁴ Quail, Razzano, and Skalli, *Vulture Culture*, 3.

¹⁵⁵ I would further add the media scavenges technologies as well.

assistance. Here, I use the paternity test requirement as the lens through which I examine these other reform measures. The state's use of the paternity test makes it possible to identify, and thus hold responsible, a biological father. I argue that paternity testing is being mobilized to (re)construct and maintain a particular, heterosexual family form, one that serves the interests of the state during a turn toward neoliberal governance.

Empowered by these two Acts, the state can use paternity tests to resurrect and reintroduce fathers back into the family, at least in financial or economic terms. However, as with talk shows, this attempt to resurrect the father has the potential to inspire moments of ideological tension, rupture, dissonance and discord, where we can find ourselves questioning what it is to be a father, a mother, a family, a parent and who gets to decide. As we will see, these contradictions and ruptures can then open space for articulating and implementing alternate ways of defining and meeting the needs and responsibilities of parents and their children.

Governmentality, Political Economy, and the Analysis of PRWORA

My examination of PRWORA and my proposed rethinking of needs and responsibilities are grounded in two distinct but compatible theoretical perspectives: (1) Foucault's theory of governmentality, and (2) critical political economy¹⁵⁶ with a particular focus on feminist historical materialism¹⁵⁷ and Smith's concept of "subjects of

¹⁵⁶ Vincent Mosco, *The Political Economy of Communication* (Thousand Oaks, CA: Sage Publications, Inc., 2009).

¹⁵⁷ Hennessey, *Profit and Pleasures*. Hennessey draws on the work of David Harvey to think through the flexibility of sexual identity, consumption, flexible accumulation and postmodernism. See David Harvey, *The Condition of Post Modernity* (New York: Blackwell, 1990).

value.”¹⁵⁸ Indeed, as we will see below, these theoretical perspectives allow for a critique of neoliberal and neoconservative rationalities in such a way as to destabilize their perceived coherence through an examination of the particular tensions and contradictions in PRWORA.

First, some definitions of neoliberal and neoconservative rationalities are in order. To begin with, there are both points of synergy and tension between neoliberalism and neoconservatism—points of synergy that on the one hand work to construct and naturalize a larger seemingly seamless, coherent political and economic project, and points of tension which on the other hand reveal sites of interruption and intervention. Both promote, rely on, and maintain a possessive individualism that imagines people as self-disciplining, self-governing, autonomous subjects, responsible for their own actions and always already participants in “the market.” They differ on the role of government and social issues; where neoconservatism has a serious interest in the government’s promotion of certain moral standards and social codes, neoliberalism prefers policies that limit government intervention in individual lives and conduct.

David Harvey suggests that neoconservatism alters pure “neoliberal practices in two fundamental respects: first, in its concern for order as an answer to the chaos of individual interests, and second, in its concern for an overweening morality as the necessary social glue to keep the body politic secure in the face of external and internal dangers.”¹⁵⁹ Indeed, as Wendy Larner argues, any analysis of neoliberalism and

¹⁵⁸ Paul Smith, *Primitive America: The Ideology of Capitalist Democracy* (Minneapolis, MN: University of Minnesota Press, 2007).

¹⁵⁹ David Harvey, *A Brief History of Neoliberalism*, 82.

neoconservatism “needs to be grounded in a detailed investigation of the case in order to make visible the messy actualities of new forms of governance; the contradictions, complexities and inconsistencies that inevitably characterize neo-liberal political projects.”¹⁶⁰ The aim in this chapter, as well as this dissertation, is to tease out these “contradictions, complexities and inconsistencies” involved in determining needs and responsibilities. I begin, with a discussion of the theoretical frameworks that guide this exploration.

The Theory of Governmentality

First, Foucault’s theory of governmentality offers a particularly powerful way of theorizing the neoliberal logic of paternity as a “political rationality” that informs PRWORA. As Wendy Brown explains:

[a] political rationality is not equivalent to an ideology stemming from or masking an economic reality, nor is it merely a spillover effect of the economic on the political or the social. Rather, as Foucault inflected the term, a political rationality is a specific form of normative political reason organizing the political sphere, governance practices, and citizenship. A political rationality governs the sayable, the intelligible, and the truth criteria of these domains.¹⁶¹

Scholars like Brown, Wendy Larner,¹⁶² Barbara Cruickshank¹⁶³ and Jennifer Somerville¹⁶⁴ have framed their analyses of the interactions between neoliberalism, neoconservatism, gender, welfare, family, citizenship and the state using a theoretical

¹⁶⁰ Wendy Larner, “Neo-liberalism: Policy, Ideology, Governmentality,” *Studies in Political Economy* 63 (Autumn 2000): 16.

¹⁶¹ Wendy Brown, “American Nightmare,” 693.

¹⁶² Wendy Larner, “Post-Welfare State Governance: Towards a Code of Social and Family Responsibility,” *Social Politics* 7, no. 2 (Summer 2000): 244-265. See also Larner, “Neo-liberalism.”

¹⁶³ Barbara Cruickshank, *The Will to Empower: Democratic Citizens and Other Subjects* (Ithaca, NY: Cornell University Press, 1999).

¹⁶⁴ Jennifer Somerville, “The New Right and Family Politics,” *Economy and Society* 21, no. 2 (1992): 93-128.

model informed by governmentality (as well as feminist social theory inflected with Marxism). They have found governmentality's distinction between government and *governance* to be crucial to the understanding of political rationalities such as neoliberalism and neoconservatism, as well as the moments of synergy and tensions between the two. I situate my project in this same trajectory.

In particular, I frame my interrogation and understanding of the paternity test in connection with PRWORA/CSE using Michel Foucault's work on sexuality and on governmentality because, taken together, this work provides a compelling rationale for how the family can be seen as simultaneously located within the *public* and *private* spheres. For example, in his lecture on governmentality, Foucault¹⁶⁵ describes the shift in logics of government from a Machiavellian logic concerned with managing territory to an emerging liberal logic of government concerned with managing populations. And, the way to manage populations is to govern the "conduct of conduct." He writes that "the instruments of government, instead of being laws, now come to be a range of multiform tactics."¹⁶⁶ For Foucault, then, governmentality "is at once internal and external to the state, since it is the tactics of government which make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on."¹⁶⁷ Foucault thus offers a genealogical account that explores questions of the body, economy, and psychoanalysis as being implicated in these "multiform tactics" of governing the conduct of conduct.

¹⁶⁵ Foucault, "Governmentality."

¹⁶⁶ Ibid., 95. Here, Foucault makes a distinction between the State and government. The state is concerned with laws. Government is concerned with conduct. However, laws are among the multiform tactics governmentality employs.

¹⁶⁷ Ibid., 103.

For Foucault, the family thus becomes re-conceptualized as a significant element in the development of logics of government. While the family was a model for the government under the prince, the family becomes a “fundamental instrument of government”¹⁶⁸ under liberalism. It becomes a tool to help manage, study, and shape the population.

Foucault’s more expansive approach to questions of family and the governance of conduct opens up a series of intriguing questions with regard to the paternity test and the logic of paternity. Here I want to return to and highlight two questions I asked in the introduction: how does the family as an institutional site at once reinforce itself through this logic of paternity and precipitate (and negotiate) its own decline as it tries to satisfy the demands of producing good citizens and good workers as well as the emotional and material individual needs of family members? What are the possibilities for the paternity test to define, frame and perhaps redefine family relationships? Thus, we will see how the paternity test provides a bridge between individual needs and the larger social institutions that both define those needs as well as how those needs are to be satisfied. The paternity test navigates a space between both neoconservative and neoliberal rationalities to position the family as a site where individual responsibility and self-sufficiency are taught, as a site where bodies are counted and regulated, and as a site of economic stability. The family becomes the mediating entity between individuals and institutions. As such, the state seeks to preserve a traditional family form one that is both nurturing and disciplinary, and preferred and promoted by neoconservative rationalities that rose to

¹⁶⁸ Ibid., 99.

dominance during the 1970s and 1980s.¹⁶⁹ The commitment to this particular family form can be seen in a number of the hearings leading up to the PRWORA as well as the Deficit Reduction Act of 1995.¹⁷⁰ For example, one such hearing before the subcommittee on children and families was called “Healthy Marriage: What it is and Why Should We Promote it?” During this hearing, Senator Jeff Sessions sets the tone of this hearing, framing families, and the government’s interest in them, in a very conservative way:

First, the evidence will show that marriage is a social good...A plethora of social science evidence demonstrates that children do best when they grow up with both married biological parents...Government should be involved both in supporting and promoting marriage...Government involvement can be justified because divorce and unwed childbearing create substantial public costs borne by the taxpayers... Government can make a very real difference by promoting and supporting marriage. In fact we will serve our Nation and the world if we study the issue objectively and take steps to reverse the trends and prove that the marriage of one man and one woman is and will always be the most ideal framework for a family.¹⁷¹

In the case of the paternity test, the very logic of paternity works to reinscribe (or reattach) the father back to the family form, to maintain a family structure preferred by the state. As we will see, the question of paternity has already defined accepted and expected identities and conduct, while at the same time erasing other alternatives. Indeed, for Sessions above, we can apparently “study the issue objectively” with the intent to “prove” the superiority of the nuclear family form. Thus, governmentality as a theoretical

¹⁶⁹ See Somerville, “The New Right and Family Politics,” 1992.

¹⁷⁰ For an excellent discussion of these debates see Brianne Russell-Morris, “The Logic of Welfare Reform: An Analysis of the Reauthorization of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996” (master’s thesis, George Mason University, 2009).

¹⁷¹ *Healthy Marriage: What is it and Why Should We Promote it?: Hearing Before the Subcommittee on Children and Families on the Committee on Health, Education, Labor, and Pensions of the United States Senate*, 108th Congress, 2 (April 28, 2004) (statement of Sen. Jeff Sessions, R-AL).

model offers my analysis a way to problematize the paternity test and illuminate the connections between the test, people and institutions.

Critical Political Economy: Fixity, Flexibility, and Subjects of Value

Second, because there are clear political-economic dimensions to the paternity test and the cultural logic of paternity, the following discussion of PRWORA also draws on critical political economy as a theoretical and analytic lens. This works on at least two levels. First, there is the issue of women's reproductive labor, their unpaid labor including things like child care, housework, and physical reproduction.¹⁷² The question of paternity in our current conjuncture works towards maintaining the invisibility of women's reproductive labor. Second, I explore what institutions, political rationalities and disciplines *benefit*, in a material way, from the paternity test and its logic of paternity (and the underlying assumptions of women's reproductive labor) and thus work towards promoting families with fathers, regardless of the father's physical presence within the family. The reasoning here is that families with fathers are assumed to have two resource bases (either two incomes or one income and an at-home caregiver) and are less likely to rely on public assistance (an assumption that also erases questions of single mothers' access to, and indeed the very existence of, family-wage jobs).

This chapter thus investigates how family policy and legislation, which mandates paternity testing, relies on, reinforces and resurrects "father" and "mother" as subjects of

¹⁷² For discussions of reproductive labor see Sacks, "Engels Revisited."; Zaretsky, *Capitalism, the Family, and Personal Life.*; Sokoloff, "The Economic Position of Women in the Family."; Okin, *Justice, Gender, and the Family.*; Hennessy, *Profit and Pleasure*, 2000; Barbara R. Bergmann, *The Economic Emergence of Women*.

value.¹⁷³ I argue that the identities of mother and father serve very particular and necessary functions in contemporary capitalism and that, in the U.S., legislation such as the PRWORA and CSE programs help ensure that women and men maintain these identities by prefiguring women and men as mothers and fathers, as dependent and independent, and as income-depleting and income-generating.¹⁷⁴

Here, I present the categories of mother and father as subjects of value in order to tease out the ways in which these terms are complicit but also potentially contradictory with the ways that they are mobilized under neoliberal capitalism. The subject of value is the necessary subject for neoliberalism's autonomous individualism and capitalism's modes of accumulation through surplus value. According to Paul Smith, the subject of value carries three designations. It has a self-interested rationality, believes in the principle of equality and believes in the concept of private property.¹⁷⁵ Underscoring these three designations is the way that the subject of value connects its self-interest, equality and private property to a larger concept of freedom. For Smith, "freedom" works towards alienating subjects from their labor and from private property by providing a rationale by which subjects can sell their labor, in an equal marketplace in/for the interests and pursuit of private property. I suggest that the identities of "mother" and "father," as legislated identities, work in much the same way as the traditional subject of value—the laborer. I pull here from the fixed/flexible model I outlined in the

¹⁷³ Smith, *Primitive America*, 2007.

¹⁷⁴ Larner "Neo-liberalism" and "Post-Welfare State Governance" and Somerville "The New Right and Family Politics" examine similar legislation in New Zealand and Britain respectively.

¹⁷⁵ Smith, *Primitive America*, 30.

introduction. Drawing on Hennessy¹⁷⁶ and Harvey¹⁷⁷, I suggest that capitalism is, for the most part, a flexible phenomenon. It can adapt to various cultural and political climates; however, there is one fixed, unchanging element to capitalism and that is exploited labor. As such, I propose that the father is most often aligned with the flexibility of capitalism while the mother is most often aligned with the fixity of capitalism, exploited labor.

Now, this is a particular construction of fixed/flexible that becomes possible only because of a mystification of the concept of dependency. Through a genealogy of the concept, Nancy Fraser and Linda Gordon astutely point to the ways that the meaning of “dependency” moved from a preindustrial “dependency,” where most people were seen as dependent on someone else for their livelihood,¹⁷⁸ to our current understanding of dependency as disassociated from wage labor, as an economic dependence on the state (and taxpayers). The laboring subject is seen as independent (from the state), as an autonomous, self-supporting, self-interested individual. Fraser and Gordon conclude, “With the emergence of religious and secular individualism, on the one hand, and of industrial capitalism, on the other hand, a sharp, new dichotomy was constructed in which economic dependence and economic independence were unalterably opposed to each other. A crucial corollary of this dependence/independence dichotomy, and of the hegemony of wage labor in general, was the occlusion and devaluation of women’s unwaged domestic and parenting labor.”¹⁷⁹ What is exposed here is a misrecognition, a

¹⁷⁶ Hennessy, *Profit and Pleasure*.

¹⁷⁷ Harvey, *The Condition of Postmodernity*.

¹⁷⁸ Nancy Fraser and Linda Gordon, “A Genealogy of ‘Dependency,’” 125. Fraser and Gordon write, “This of course was the condition of most people, of wage laborers as well as serfs and slaves, of most men as well as most women.”

¹⁷⁹ Fraser and Gordon, “A Genealogy of ‘Dependency,’” 143.

mystification, of the relations of wage labor to capital. Wage labor is not imagined as dependent, let alone exploited, labor, but rather self-sustaining *action* on the part of the laboring subject. Reproductive labor is assumed, erased and/or taken-for-granted as duty and obligation. Thus, under a neoliberal rationality where women are expected to perform both reproductive labor as well as wage labor, we should not be surprised to see the way this fixed/flexible model plays out. However, as we will see below and in Chapter 3, a number of contradictions arise as paternity testing attempts to fix “unwilling” fathers to families.

On Methodology

In this chapter, my methodological approach draws upon David Altheide’s Ethnographic Content Analysis and uses constant comparison, conceptual data coding and theoretical sampling.¹⁸⁰ This approach allows me to tease out some of the contradictions that emerge through and across my analyses of my sources, and to “test” theoretical models such as the fixed/flexible model mentioned above. Given my previous work on daytime talk shows and paternity, I approached these public policy documents looking for several key words/concepts: paternity, needs, responsibility, and justice/fairness. The first three are included because of their frequent use in both popular discussions of paternity and in public policy documents. Justice/fairness is seen less

¹⁸⁰ Kathy Charmaz, *Constructing Grounded Theory: A Practical Guide through Qualitative Analysis* (Thousand Oaks, CA: Sage Publications, Inc., 2006). Theoretical sampling describes a process in which concepts discovered through open coding in initial rounds of qualitative analysis shape sampling and coding in future rounds. The analyst, in short, purposefully samples future data based on the generation of codes and categories from previous rounds, and reflexively uses this new, purposefully sampled data to test and revise these previously-generated concepts and categories.

often, but is very often conceptually linked to (and linking) issues of needs and responsibilities. Further I paid special attention to the presence and absence of gendered language. For instance, the term “custodial parent” is a gender-neutral term, whereas “single mother” is a gendered term.

More broadly, what I seek to accomplish here is part of a larger methodological approach involving dialectics, one that puts the paternity test and its particular logic of paternity in a dialectical model. A dialectical model works toward the negation of the negation. In the case of paternity, I am seeking to uncover what other alternative forms of social relations and social structures might be possible if we recognize the historicity of and denaturalize the traditional family structure and its role in forming policy and institutions (and conversely, the role of policy and institutions in forming families).

As we have already seen, the paternity test itself is mobilized in situations where needs are being defined and assessed and responsibilities are being defined and assigned based on particular ideas about justice and fairness—i.e. “my kid needs a father,” “are you going to be a responsible father,” “I ain’t paying for something that ain’t mine,” “so we don’t have to pay for your child.” If we flip the script on this logic of paternity, what might we find? How might we redefine, reassess and reassign needs and responsibility? We can find these paternity scripts I want to flip in welfare legislation and child support enforcement programs. These are crucial sites for understanding this logic of paternity and the ways that it is woven in and through law, politics and economics as well as social and cultural forms. And so, I return to the legislation and policy initiatives that mandate

paternity testing—the Personal Responsibility and Work Opportunity Act of 1996 and Child Support Enforcement programs.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996: Defining Responsible Fathers and Failed Mothers

An examination of the use of the paternity test in PRWORA and CSE allows us to see how the cultural logic of paternity informs legislation, not only in justifying the use of the paternity test but also the reliance on patriarchal assumptions about gender, families, mothers and fathers. A brief history here will set the stage. The Child Support Enforcement program was enacted in 1975 as Title IV-D of the Social Security Act and is a joint federal-state program. Its initial function was to aid in securing financial support for children from their non-custodial parent. The guiding principle was to help strengthen these families with additional income, keeping them self-sufficient and off welfare. Indeed, much of the policy work around child support enforcement is concerned solely with securing financial support and medical benefits for the child, setting the bar for the minimum a child needs. The provisions for CSE were updated in PRWORA. As mentioned above, Title 1 of PRWORA replaces the former Aid to Families with Dependent Children (AFDC) program with Temporary Assistance for Needy Families (TANF) program. As the title of PRWORA suggests, the change was to move welfare recipients off welfare roles by transferring them into the work force (where the

assumption is that employment and the corresponding wages will be enough to sustain the family)¹⁸¹ and/or encouraging marriage.

A closer look at the opening section of PRWORA, as well as the moments when the Act mandates paternity testing, raises important questions of needs and responsibility. The stage is set placing personal responsibility in the introductory language of this act. As we will see, a specific logic of paternity defines needs and responsibility by its promotion of marriage and family as well as structuring provisions for child support and child support enforcement.

The opening section of Title 1 suggests that the government itself has a very clear idea of what is meant by family. Section 101 reads, “The congress makes the following findings. 1. Marriage is the foundation of a successful society. 2. Marriage is an essential institution of a successful society which promotes the interests of children. 3. Promotion of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children.” These first three findings provide a view of families that privileges marriage (specifically heterosexual marriage) and echo Sessions’s remarks above. Marriage is offered as a “foundation” and an “institution”—and as a solution to poverty.

Section 101 lists ten findings in total. In addition to the three above, these include: (4) child support enforcement statistics; (5) statistics on the tripling of AFDC recipients since 1965 such as “Eighty-nine percent of children receiving AFDC benefits now live in

¹⁸¹ I do not engage with the work-fare provisions in this dissertation; however, a future incarnation of this project would include a discussion of work-fare in relation to the fixed/flexible structure. For strong analyses of work-fare, see Jamie Peck, *Workfare States*, (New York: The Guilford Press, 2001).; Anna Marie Smith, *Welfare Reform and Sexual Regulation*, (New York: Cambridge University Press, 2007).; Russell-Morris, *The Logic of Welfare Reform*, 2009.

homes in which no father is present”; (6) documenting the increase in out-of-wedlock pregnancies and births stating “if the current trend continues, 50 percent of all births by the year 2015 will be out-of-wedlock”; (7) the increase in teenage pregnancy and prevention strategies (which include “male responsibility”); (8) lists the “negative consequences of out-of-wedlock birth on the mother, the child, the family, and society” (note that in this listing there are no negative consequences listed for the father); (9) lists the negative consequences of raising a child in a single-parent home which include poor school performance, a greater risk of remaining on welfare, and “Between 1985 and 1990, the public costs of births to teenage mothers under the aid to families with dependent children program, the food stamps program, and the Medicaid program has been estimated at \$120,000,000,000.”

These first nine “findings” tell us a great deal about how the family is defined by legislators and by law. The family presumed to be a heterosexual, married couple, a mother and a father, and the ideal family is formed by “responsible” fatherhood and motherhood. Indeed, it is the failure to meet this model which positions abject family formations as a legitimate issue of public policy due to the consequences of single-parent families for children and for taxpayers. Still, by the end of the opening section, we are left to ask what responsible fatherhood and motherhood might look like? What does it entail? What are the responsibilities of fathers and mothers? These questions are important because the very idea of responsibility speaks to governmentality and the “conduct of conduct.” Having responsibility implies conforming to a particular standard

or mode of conduct or way of being, and, as is the case here, to being a responsible father and responsible mother.

What we discover is that throughout this opening section, rather than articulating in positive terms what responsible motherhood might be, the Act simply recounts single-mother failures. Under finding 9, for instance, we read that “[w]hile many parents find themselves, through divorce or tragic circumstances beyond their control, facing the difficult task of raising a child alone, nevertheless, the negative consequences of raising children in single-parent homes are well documented.” One such consequence is, “Among single-parent families, nearly one-half of the mothers who never married received AFDC while only one-fifth of divorced mothers received AFDC.” Worthy of our attention here is the reasons given as to why a parent may end up raising a child alone—“divorce or tragic circumstances.” Choice to be a single-parent is not offered as an option for parents.

At this point, we should note first the move from single-parent families to mothers—a move that points to equivalency and occurs throughout the document. Implicit here is the presumed absence of the father in never married families and the presence/absence of the father in divorced families. Other mother-failure examples include, “The younger the single-parent mother, the less likely she is to finish high school,” This is followed by, “Young women who have children before finishing high school are more likely to receive welfare assistance for a longer period of time.” The slippage from “families” to “mothers” is subtle but underscores this notion of mother-

failures. Single-mother households are presented as inadequate, as failed families, and thus the object of this legislative intervention.

Conversely, there are only two explicit references in this section of the Act to the role of the father. The first is punitive, calling for “male responsibility” in the effort to combat teenage pregnancy. The suggested measure is statutory rape culpability and prevention of “predatory sexual practices by men who are significantly older.” Thus responsible fatherhood includes being “responsible” enough to not get teenage girls pregnant. The second reference to the father reads, “The absence of a father in the life of a child has a negative effect on school performance and peer adjustment.” This one is more ambiguous. Here responsibility is defined by presence, but a presence to what degree? Throughout section 101, we are given numerous accounts of how single-parent households are more likely to live in poverty, remain in poverty, live in violent neighborhoods, and how children are less healthy (emotionally, socially and physically) than children from two-parent households. We are given a list of the conditions in which single mothers live and some idea of the history of their experience (often victims of abuse and caught in a cycle of poverty with low educational achievement). But, there are only the above two references to fathers.

The father’s absence, however, serves to indicate the potential power of the fathers’ resurrection and reintroduction. Every reference to “single-parent” or “single-mother” serves to beckon him forth. It presumes his absence as the precondition for the mother-failures. But as we saw in Chapter 1 and will see again in Chapter 3, his resurrection is not always a smooth one and is resisted at times by both men and women.

Section 101 concludes with finding 10: “in light of this demonstration of crisis in our Nation, it is the sense of the Congress that prevention of out-of-wedlock pregnancy and reduction in out-of-wedlock birth are very important Government interests and the policy contained in part A of title IV of the Social Security Act...is intended to address the crisis” This moment of “crisis” specifically represents the nexus of neoliberal and neoconservative rationalities. Neoliberalism’s autonomous individual capable of making rational choices for herself as well as disciplining herself meets neoconservatism’s moral subject, also supposedly self-disciplining, tied to children and family. When this self-disciplining, moral subject proves herself incapable of self-discipline through her sexuality, her economic status, her marital status, and when she becomes statistically many, her presence is defined as a “crisis.”

Further, framing this as a national crisis opens the door for intervention on a number of fronts—institutionally through legislation and policy reforms as well as individually through marriage promotion programs, workfare, social worker involvement, and paternity determinations. The “crisis” of single-parent families has been framed around mother-failures and inadequacy, and so the way to resolve this crisis, as the rest of the PRWORA lays out, is to encourage marriage, move women into the work force (through both punitive and rehabilitative measures), and resurrect the biological father—at least in the form of regular child support payments.

Seen through the fixed/flexible structure I outlined above, the opening section of the PRWORA suggests that the mother is not a positive agent in the success of her child. At best she is a non-actor. At worst, she is the cause for the child’s inevitable failure and

failings (i.e. “Children born out of wedlock were more likely to have lower cognitive scores, lower educational aspirations, and a greater likelihood of becoming teenage parents themselves.”) And yet, her presence is still presumed as fixed, as waiting for and needing the father’s resurrection. Her presence in the child’s life is not a determining factor for success. Instead, according to the Act, the *father’s* presence becomes the pivot point between success and failure. Still, his presence can flexibly take a variety of forms (although the ideal form is in the home). And thus, his resurrection and reintroduction back into the family become the means to correct this crisis. Yet, once again, we are left to wonder how we might define responsible fatherhood and motherhood? Responsible fatherhood is based on presence and finance. Responsible motherhood is based on securing a marriage partner and maintaining the space for the father/child relationship.

Part A under Title I, section 103 of PRWORA spells this out a bit further. The goal of the program is to aid states in operating programs which

(1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and (4) encourage the formation and maintenance of two-parent families.

We can see paternity testing pop up in Part A under the “Reduction or elimination of assistance for non-cooperation in establishing paternity or obtaining child support.” Part A mandates that whenever possible a father should be identified for every child. Here, when paternity is in question or contested, paternity testing is required to establish paternity and secure financial support for the child. In this way, it is used to meet the

goals of the PRWORA—secure assistance for needy families so that the child may stay in their home and end the dependence of needy families on the government. However, I would also argue that an unstated goal of the paternity test is to resurrect the father and reintroduce him into the home, thus working towards the fourth goal of the program—to encourage the formation and maintenance of two-parent families. We can find further evidence of this in the federal and state marriage promotion programs that were included in Bush-era welfare reauthorization bills, as I will discuss in more detail at the end of this chapter.¹⁸²

This requirement that the father be identified also has an impact on single mothers. In order to apply for and receive aid from TANF, mothers must be willing to cooperate with establishing paternity. If it is determined that the mother is not cooperating, her family's payments may be cut by at least 25 percent or they may be removed from the program altogether. Making the test a mandatory condition of aid further places the mother, father, and child under the watchful eye of the state. While the test is fairly non-invasive with samples collected from cheek swabs, it nevertheless marks a moment when the state mandates submission of one's body to serve the interests of the state. Here, it is no exaggeration to say that the state intends to monitor these failed families right down to the level of their DNA. Indeed, DNA becomes the means by which this mother, father and child are at once tied together and then marked as failed if the father's resurrection and reintroduction is unsuccessful.

¹⁸² See Smith, *Welfare Reform and Sexual Regulation*, 173-188; Russell-Morris, *The Logic of Welfare Reform*.

This provision is a coercive, intrusive measure. As such, it reveals an intriguing political tension in the Act. After all, such a bodily intrusion would be deemed unacceptable for the successful neoliberal subject who values limited -government intervention. For her part, Somerville argues that such contradictions in neoliberal thought are typically resolved “[b]y narrowly and legalistically defining freedom, rights, justice, equality in terms of the individual and personal relations between individuals.”¹⁸³ In doing so, neoliberal rationalities, and those who subscribe to them, “are able to disregard the *structural* restrictions on individual choice and the *impersonal* coercion experienced by individuals as a result of poverty, ill-health, unemployment, inadequate education, exploitative employment contracts, and unequal domestic responsibilities.”¹⁸⁴ Here, under neoliberal and neoconservative rationalities, the paternity testing mandate is deemed acceptable because its goal is to return this mother, father and child back to the “natural” state of things, back into a two-parent family for the good of the nation. Wendy Larner details a similar move in New Zealand welfare policy where “neoconservatism reinscribes the traditional sexual division of labor, placing women back in the home. Neoliberalism privileges paid work, but at the same time domestic work and child care once again disappear. Moreover, those who cannot or will not conform with new forms of political subjectification, premised on self-interested individualism, are likely to be subjected to alternative regimes of power.”¹⁸⁵

¹⁸³ Somerville “The New Right and Family Politics,” 109.

¹⁸⁴ Ibid.

¹⁸⁵ Larner, “Post-Welfare State Governance,” 262.

As mentioned above, PRWORA reauthorizes Child Support Enforcement programs and here I turn our attention to the idea of child support. What is it? What forms might it take? Who offers it? And how has paternity testing impacted child support enforcement?

Essentially, there are two forms of child support administered by the state. The first is public child support. This would come directly from the state in the form of welfare and other benefits and is what Montel Williams refers to when he says “so we don’t have to pay for your child.” The second is private child support. This is paid by the “non-resident parent,” usually the father,¹⁸⁶ and is managed by the courts, possibly resulting in the garnishment of the father’s wages. When paternity of the child is established, the state hopes to insure that the father will support his child at least financially. And, through the development of child support enforcement programs, there has been an increased push to determine paternity.

Tracing the connection between the paternity test and child support, we can begin to question the role and responsibilities of the father, to examine what “child support” might mean beyond financial interests and to explore other potential means of “child support.” The Child Support Enforcement program’s stated goal is to “help families by promoting family self-sufficiency and child well-being.” It is worth noting here the notion of a “self-sufficient” family. Larner notes, “the neoliberal family is understood as

¹⁸⁶ According to the 2000 U.S. Census, there are 4 to 5 times as many female single-parent households than male, depending on the age of the children. Furthermore, there are over 10 times as many female single-parent households living below poverty than there are male households. And, a disproportionate number of those families living below poverty are black families. Fields and Casper, “America’s Families and Living Arrangements,” 8.

a self-supporting and self-regulating site of social and economic welfare.”¹⁸⁷ The family is an extension of the individuals within it. Any problems faced by the family are seen to be the result of individual family members. So, the logic holds that failed families are not failing because of structural, institutional and economic pressures, but rather the personal failings of the family members themselves.

The mission statement of the Office of Child Support Enforcement (OCSE) reads: “To assure that assistance in obtaining support (both financial and medical) is available to children through locating parents, establishing paternity and support obligations, and enforcing those obligations.” Its initial function was to aid in securing financial support for children from their non-custodial parent through a number of measures, some of them punitive such as wage garnishment, property liens, passport denial, etc. So, as a bare minimum, CSE requires fathers to provide financial and medical assistance (which can be in the form of cash or insurance benefits).

According to a Congressional Research Service report, in 2001, child support constituted 17 percent of income for households that received it. Among poor families who received it, child support constituted 30 percent of family income. Child support makes a significant difference in household resources. And yet, even though poor families relied on this income to a larger degree, the original provisions in PRWORA of CSE stipulate that any current support and assigned arrearages would go to the state and federal government to *offset any cash benefits the family may have received as TANF cash benefits*. Said another way, any child support and arrearages that accrue during the

¹⁸⁷ Larner, “Neo-Liberalism,” 255.

time the family is on TANF belonged to the state and the federal government. Given this set up, finding a father and holding him accountable was not necessarily done to serve the best interest of the child, or to provide a better standard of living for the child's household (although it may do these things). Rather, identifying the father became a means of generating revenue to refill welfare coffers.

We can find a real world example of this in the Circuit Court case *United States v. Kukafka*, which will be discussed in greater detail Chapter 3. This is a case where Ira Kukafka has been charged under the Deadbeat Parents Punishment Act of 1998 for failure to pay child support. In the proceedings, we learn that his ex-wife Esther Bailey sought welfare assistance after Kukafka left. In order to get benefits, she had to “sign over” her support collection rights to the State of New Jersey. This meant that any money that Kukafka might have paid towards child support would go to the State of New Jersey as reimbursement for the welfare benefits they gave his ex-wife and children. That money would *not* be passed along to his estranged family. Thus, states were especially interested in collecting child support arrearages from delinquent fathers. However, in the face of criticism, congress passed the Deficit Reduction Act of 2005, which addresses this contradiction by giving states the option to “pass-through” to the families any support claims paid through CSE. This means that while states still have the option to keep any child support collection rights which have been signed over to them in return for welfare benefits, they are now encouraged to pass at least some of those support payments back to the families who need them.¹⁸⁸

¹⁸⁸ DRA 120 Stat. 142- 120 Stat. 143.

The paternity test becomes an instrumental tool towards securing these funds. A CRS report on paternity establishment finds that in 2000, 33.1% of all US births were to unmarried women. Additionally, 51.9% of the children in CSE were born outside of marriage.¹⁸⁹ More recently, a study by Child Trends finds that “more than half of births to American women under 30 occur outside marriage.”¹⁹⁰ In the case of TANF families, families as well as both the state and federal governments have interests in securing this support. And, as such, the federal government reimburses the state for 66 percent of laboratory costs for paternity testing. This was formerly 90 percent, but was reduced as a cost-saving measure.¹⁹¹ Paternity establishment, then, “is not an end in itself, but rather a prerequisite to obtaining ongoing economic support.”¹⁹²

Thus the government’s interest and investment in paternity testing can be imagined as meeting two goals—the economic goals of child support I outlined above, and social goals. Solomon-Fears maps these out in her analysis of paternity establishment. She writes: “Paternity establishment generally is seen as a means to promote the social goals of (1) providing for the basic financial support of all minor children regardless of the marital status of their parents, (2) ensuring equity in assessing

¹⁸⁹ Solomon-Fears, “Paternity Establishment.”

¹⁹⁰ DeParle and Tavernise, “For Women Under 30, Most Births Occur Outside Marriage.” And perhaps it is no coincidence that the current political climate includes discussions about reproduction, contraception, abortion and women’s health at a time when the more unmarried women under 30 are having children.

¹⁹¹ The rise of DNA testing labs and home paternity testing kits (available from stores like Walgreens and CVS) are evidence of a larger industry premised on the logic of paternity. Legislation such as the PRWORA connects labs, lawyers, counselors, social workers, legislators, and talk shows. The logic of paternity connects these varied people and institutions and creates opportunities for profit.

¹⁹² Solomon-Fears, “Paternity Establishment,” 1.

potential liability for the financial support of their children, and (3) promoting responsibility for the consequences of one's action."¹⁹³

As such, these social goals offer an interesting mix of neoconservative and neoliberal rationalities, especially around questions of fairness and justice. The use of terms such as "basic financial support," "equity," "liability," "responsibility," and "consequences" imply certain expectations of needs and responsibilities based individual behaviors. Needs are defined as "basic financial support." Responsibility takes an interesting form in "ensuring equity in assessing potential liability for the financial support of their children." This emphasis on equity in liability of financial support completely ignores inequity in childcare duties, which include expenditures of time, effort, and emotion. Finding the father does not translate into fairness, equity and liability in childcare (and, indeed, as I have been arguing does not necessarily translate into securing child support). Further, the idea of "responsibility for the consequences of one's actions" nods to a justice system waiting for the subject who fails to self-discipline, and in that failure, refuses to take ownership of the results of that action—in this case, children and their need for financial resources.

Paternity Establishment: "Signing the Affidavit of Parentage is simply an outward sign of the promise that already exists in your heart."¹⁹⁴

It is around paternity establishment where I believe we can see how the logic of paternity in the Act manifests when it comes time to address actually existing men and

¹⁹³ Ibid., 2.

¹⁹⁴ "The Gift of Parenthood," Maryland Department of Human Resources video, 4:31, accessed March 12, 2012. <http://www.dhr.state.md.us/csea/index.php>.

women as fathers and mothers. We can see some of these same tensions play out in paternity establishment programs at the state level. These programs often have pamphlets, websites and/or videos that discuss why and how paternity should be established, and their rationales pull both neoconservative and neoliberal strands for the management of individual men as fathers and women as mothers. For instance, the Virginia Department of Social Services produced a pamphlet titled “Establishing Paternity.” It answers a series of questions including “why is establishing paternity important?”; “is having a child such a big deal?”; “what if the mother is married to someone other than the biological father?”; as well as a series of other questions about names, custody, citizenship, child support, and court hearings. The rationales provided for establishing paternity are presented as “personal benefits for a child” and include:

- *Self esteem*—Children respond to love and support from both parents... They need to know who their fathers are and that their fathers care about them.
- *Family Identity*—When children know they are part of a family, they are likely to be more secure about who they are...
- *Shared Parenting*—Parenting is the responsibility of both the father and the mother. Early paternity establishment may lead to involvement of the father in the child’s life. More resources are likely to be available to a child supported by two parents.
- *Health History*—Establishing paternity completes a child’s health history. It is important for children and their doctors to know the family’s medical history...¹⁹⁵

These reasons for paternity establishment are directed at mothers as much as, if not more so than they are at fathers. Paternity establishment is framed here first, in terms

¹⁹⁵ Virginia Department of Social Services, Division of Child Support Enforcement, *Establishing Paternity* (Richmond, VA: September 2010), 2.
http://www.dss.virginia.gov/files/division/dcse/intro_page/parents_guardians/guidance_procedures/Establishing_Paternity-Eng-8.11.pdf

of what the child needs, then in terms of what mothers need, but not really in terms of fathers' needs. Addressed to the mother, she is left to believe that without a father, her child will have low self-esteem, her child will not imagine himself/herself as part of a family, her child will be denied resources, as time passes so does the likelihood of the father's involvement in her child's life, and there is a risk of having an incomplete medical history should anything happened to the child. The father's absence and the consequences associated with it are thus not shared by both mothers and fathers. Mothers and children are most likely to suffer due to his absence. Using this logic of paternity, mothers are encouraged to seek out the father's presence, to aid the state in establishing paternity. Her presence in and of itself is not adequate.

In the end, this is governmentality at work. The logic behind these paternity establishment programs always already positions the woman as mother, as connected to the child, and as responsible for securing the child's relationship with the father. Mobilizing her economic status, her potential guilt, and her socially constructed role as a mother, the state itself does not have to use coercion to motivate the mother into establishing paternity (although these tactics are available if necessary, especially when welfare assistance is involved). Rather, it relies upon patriarchal norms which define responsible motherhood as that of care-giving and home-making, and which can work on an affective dimension to regulate the conduct of conduct. Understanding the mother this way also underscores the notion of the kinds of labor mothers are expected to perform under neoconservative and neoliberal regimes. The state expects that she will not only perform her reproductive labor within the household, but that she will also "work" to

establish paternity for her child. This is framed as for the benefit of the child, but clearly, it is also for the benefit of the state.

The strands of neoliberal and neoconservative rationalities are pulled into focus in the response to “Is having a child such a big deal?”:

YES! There is no responsibility, joy, or honor greater than the privilege of parenthood. Parenthood means providing love, care, guidance, food, clothing, shelter and medical care for your child or children. Establishing paternity helps ensure responsibilities for the child are shared by the mother and the father. Taking responsibility for your child may mean the difference between your child relying on public assistance (welfare) or being self-sufficient. Even if parents are not married to each other, both parents must support their child until he or she becomes an adult.¹⁹⁶

The mingling of “joy,” “honor,” “love,” and “care” with “responsibility,” “food, clothing, shelter, and medical care” employs both the neoconservative family values discourse as well as the neoliberal discourse of responsibility and individualism. Indeed, the privilege of parenthood comes with responsibility. And, one of those responsibilities is to ensure your child is not on welfare and learns self-sufficiency.

There is also a legal undercurrent to these paternity establishment documents that hints at punitive measures. We see it briefly above--“both parents must support their child until he or she becomes an adult.” The use of “must” implies an obligation, a responsibility. It is not an option. Establishing paternity is defined as “legally determining the father of a child...and that he has legal responsibility for the child.”¹⁹⁷ Being a legal father requires that the father provide financial assistance to his child, but it also gives him standing for visitation rights and other custody issues.

¹⁹⁶ Virginia Department of Social Services, *Establishing Paternity*, 3.

¹⁹⁷ *Ibid.*, 1.

This becomes clearer in the Maryland Department of Human Resources video *The Gift of Parenthood*.¹⁹⁸ The video first presents children as “gifts” and then describes the joys of being a nurturing and loving parent. It highlights many of the same themes from Virginia’s “Establishing Paternity,” including self-esteem, a sense of history and connectedness through family, medical concerns, and suggests that establishing paternity helps “your child make the greatest discovery of all. Answering the question ‘who am I?’” This followed by a segment which cuts between children of a variety of ages, races/ethnicities and genders all saying what being a father and/or mother means to them:

A father is.../ Someone who takes care of you./ He isn’t afraid of anything./ He protects you./ He’s a man./ A father worries about you./ My dad./ Daddy./ Daddy./ My mom is caring./ She’s just a wonderful mother./ I love my mommy./ I call him Dad./ He’s responsible for what he does./ He teaches me right from wrong./ I love my mom./ She’s like a friend./ She’s a friend./ I love her more than anything else in the world.¹⁹⁹

In this segment, we see how traditional ideas of mothers and fathers are employed in this video and further support a particular logic of paternity. Mothers are loving, lovable, caring and friends. Fathers are fearless, protecting, concerned, responsible, and disciplinary/mentoring. I want to juxtapose two terms here—a father “takes care of you” whereas a mother “is caring.” On the one hand, these seem like essentially the same thing—both providing care. On the other hand, they can be read as two different kinds of care. “Takes care of” implies a responsibility, a duty, a managing of sorts. Indeed, we can go back to the opening of this chapter where Povich asks Craig if he’s going to “take care of” this boy. To which Craig replies, “If he my son, I’m going to take care of him like I

¹⁹⁸ *The Gift of Parenthood*, Maryland Department of Human Resources.

¹⁹⁹ Ibid.

take care of all the rest of my kids. I'm gonna keep him fly.”²⁰⁰ Conversely, “caring” (as opposed to “take care of”) implies nurturing, loving and support. It is tactile, emotional, and personal. These two types of caring feed into a traditional family values discourse as well as the logic of paternity where fathers father (take care of) and mothers mother (caring). And so, it is not a far stretch to once again see the father as a financial resource and the mother as a caregiving resource—especially since it is this point in the video where the tone shifts. Instead of a celebration of the “gift of parenthood,” we move on to the legalities involved in paternity establishment.

Much like when commercials for prescription medication featuring happy people, green spaces, and bright colors turn to the list of possible side effects, the shift in this video has a similar moment of dissonance. We shift from children happily telling us how they view their mothers and fathers to an elaboration of legal rights and duties. The program host is an African-American man whose voice and appearance are reminiscent of the actor John Amos. The segment goes as follows:

Establishing paternity gives you legal rights and responsibilities that can help you strengthen your relationship with your child. From child support to providing basics like health insurance and life insurance, these are everyday ways parents say I won't let you down. I'm here for you. Forever. Signing the affidavit is your choice. Once it's signed, it becomes a legal finding of paternity after 60 days. So be sure to read the brochure. It tells you how to complete the form, and also spells out your legal rights and responsibilities. These include the right to genetic testing, to consult an attorney or to cancel your affidavit in writing within 60 days of signing. The brochure also lists the legal reasons you can challenge an affidavit after the 60 days have past. Take a few moments right now to read about this important document. Making an informed decision is part of being the responsible parent you want to be.²⁰¹

²⁰⁰ “We Saw Corrie on Maury...Test Him, He's Our Babies' Father,” *Maury*.

²⁰¹ *The Gift of Parenthood*, Maryland Department of Human Resources.

While the language here is not gendered, the imagined viewer of this segment is the father and emphasis here is on individual responsibility. Signing the Affidavit of Parentage is presented as a choice, but once signed, the father has certain legal responsibilities. Fathers are responsible for child support as well as for health and life insurance. Providing these things demonstrates that the father is “taking care of” his child (so the state doesn’t have to). However, while signing the affidavit may be a choice, the justice system once again sits in the background. If the father chooses not to sign the affidavit, he can still be designated a legal father by the court system. Fathers can be summoned to court for paternity hearings. They can be subpoenaed for paternity testing. And, once labeled a legal father (voluntarily or through the court system), fathers can go to jail for failing to meet their financial support obligations.

These examples of paternity establishment promotional materials demonstrate how a particular logic of paternity informs programs and policies that target women and men as mothers and fathers. They rely on a neoconservative rationality to promote fathers who “take care of” families and mothers who care for families as well as a neoliberal rationality which positions paternity establishment as choice (but there is only one right choice) and the goal for families is self-sufficiency (not reliant on the state for aid).

Rethinking the Crisis

Paternity establishment programs bring together the regulation of conduct we see under governmentality (through their promotion and assumption of prescribed gender roles for mothers and fathers) with issues of labor (wage and reproductive) and the state raised by political economy and feminist social theory. In doing so, we are able to trace

the ways in which questions of needs, responsibility, justice and fairness move from talk shows to legislation such as the PRWORA/CSE down through the implementation of the legislation through specific programs.

In this chapter, I examined specific examples of legislation and policy in action in order to challenge the perceived coherence of neoliberal and neoconservative rationalities concerning the family and its relation to the state. Indeed, that PRWORA/CSE are presented as a response to a crisis suggests that these rationalities have contradictions, tensions and complexity. These moments of crisis help make visible these tensions and contradictions such that neoconservatism (which includes traditional gender roles, “family values,” and fatherhood as leadership in the family, the “taking care of”) is offered as a moral solution to the failed families that are the result of neoliberal public policies (i.e., attack on the welfare state). So, the solution to poverty of the single-mother family is to “promote marriage” and family values, which, of course, transfers responsibility onto individuals. As Wendy Larner reminds us, “there are different configurations of neo-liberalism, and that close inspection of particular neo-liberal political projects is more likely to reveal a complex and hybrid political imaginary, rather than the straight-forward implementation of a unified and coherent philosophy.”²⁰² PRWORA promotes and privileges families that include married, heterosexual couples and their biological children.

However, as the reference to crisis suggests, this particular family form is challenged by changing economic circumstances, changing sex roles and increasing

²⁰² Larner, “Neoliberalism,” 12.

acceptance of a variety of sexual identities. But still, the discourse of family values continues to have a hold on the popular political imaginary. Rosemary Hennessy offers some insight here. She claims that “even though heteronorms are being challenged and recast, capitalist production does continue to rely on compulsory heterosexuality as a way of organizing sex, gender, and desire, and it continues to exert its force on human bodies and imaginations through strategies of abjection, disciplinary, and brute violence.”²⁰³ The nation-state is implicated here by its promotion of an ideal family form through institutions and policies not only in welfare, but also in education, public health and immigration to name but a few.²⁰⁴ This has an effect on how we understand men as fathers and women as mothers (instead of both as parents) as well as how we understand their relationships to children.

Mothers and fathers as subjects of value work towards maintaining and securing both wage labor and unpaid labor. Earlier formulations of the subject of value suggests that women are inherently not the subject of value because they are asked to put aside their self-interest in service of others. However, I would suggest that under the PRWORA and Child Support Enforcement programs, women as mothers are being directed to pursue material needs satisfaction through employment.²⁰⁵ She is being asked to not only

²⁰³ Hennessy, *Profit and Pleasure*, 107.

²⁰⁴ Ibid. For immigration, see Pia Moller, “Patrolling the Nation: The Incorporation of Immigration Control in Neoliberal America” (PhD diss., George Mason University, 2012). and Leah Perry, “Reform and Control: Immigration, Gender, and Race in U.S. Law and Culture, 1981-2001” (PhD diss, George Mason University, 2009).; for education, see Henry Giroux, *Against the Terror of Neoliberalism: Politics Beyond the Age of Greed* (Boulder, CO: Paradigm Publishers, 2008).

²⁰⁵ In a future incarnation of this project, I will explore this tension through a more detailed examination of the workfare requirement in PRWORA.

maintain her mother role and its associated reproductive labor, but to also enter into the work force.²⁰⁶

The paternity test yields a scientific document with legal authority, and this authority is both premised on and reinforces a specific logic of paternity. Paternity testing (and indeed the very logic of paternity) works to (re)create mothers and fathers as subjects of value. Like the laborer, they are the necessary subjects of neoliberalism. In its interpellation of women and men as mothers and fathers, the paternity test as a legal document resurrects and reintroduces culturally and economically prescribed identities, responsibilities, and expected behaviors—mothers are fixed as caregivers even as they are forced to search for work while fathers have more flexibility but are ultimately required to offer financial support, at the very least, in order to meet their obligations. Family policy and legislation which mandates paternity testing relies on and reinforces a logic of paternity which prefigures how these lives will interact with these institutions and policies, always already permitting some forms of conduct and excluding others, always already prefiguring individuals as mothers or fathers, always already accepting and masking forms of exploitation and injustice that are inherent in the systems of science, economics, media institutions and public policy.

²⁰⁶ Further, I would question the assumption that there is no self-interest involved reproductive labor as the ethnographies by Kathryn Edin, Laura Lein and Maria Kefalas suggest there is an agency and an identity becoming mothers, especially among poor women. In their research they find that most of the women have children with the belief that the child will improve their own life circumstances, saving them from a life of drugs and partying and giving them respect within their communities.

CHAPTER 3—“I’M NOT WORTHLESS YOUR HONOR”: DEADBEAT DADS, DAYTIME TELEVISION AND THE DEADBEAT PARENTS PUNISHMENT ACT

“The rule is this. The law is as follows. If you father a child, you must support that child, you must support that child in all of his needs from food, diapers, formula, daycare, everything and you must do so no matter what. If you don’t have a job, you go do McDonalds, whatever you can do part-time, anytime, sometime, some way and you feed that baby.”²⁰⁷—Judge Lynn Toler

“The law is very clear. You are that baby’s father. You’re \$8,000 in arrear in child support. The last payment was 22 bucks. Be a man. Step up. If you can’t afford it, at least go and see her. What’s wrong with you?”²⁰⁸—Judge Jeanine Pirro

“The law is as follows...” . In this chapter I want to specifically look at what kinds of interactions take place between the paternity test, the cultural logic of paternity, and the figure of Deadbeat Dad on talk shows, on court shows, and in the Deadbeat Parents Punishment Act (DPPA). What I have established in the previous two chapters is that in popular culture as well as federal legislation and state-run paternity establishment programs, responsible fatherhood means that a father will “step up” and “be a man.” As the above passages from Judge Toler and Judge Pirro indicate, responsible fatherhood primarily means financially supporting the child. Although, as we will see, fathers get some credit for “at least going to see her.” And once paternity is established, that

²⁰⁷ “Lamar v. Kearney,” *Divorce Court*, FOX, WDCA, Airdate December 18, 2009.

²⁰⁸ “Jenkins v. McAfee,” *Judge Jeanine Pirro*. FOX, WTTG, Airdate February 26, 2010.

responsibility becomes a legal duty, a legal obligation that is enforceable and/or punishable under the law. Here, I will examine the Deadbeat Dad as both a social construction in popular culture, but also a legal construction.

As we will see, these interactions are, in many ways, predetermined and prefigured by the welfare legislation I discussed in Chapter 2, specifically the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and Child Support Enforcement (CFE) programs. In Chapter 2, I discussed the ways that welfare legislation and its reliance on the paternity test and cultural logic of paternity at once resurrect and reify the role of the father through a discourse partially premised on a notion of mother failures (such that a child's success pivots on the presence of the father; at best the mother is inadequate, at worst she is destructive). Under a neoliberal logic that disconnects wage labor from dependency, these discursive moves work to position the father as flexible and the mother as fixed in relation to the child and in the extent of their relationship to the child.²⁰⁹

However, when we follow through on the demands of responsibility placed on both mothers and fathers to meet the needs of themselves and their children, we find moments when mothers and fathers fail. (Indeed, many are put in a position of inevitable failure). These moments, these failures have consequences, and these consequences are the focus of this chapter. In this chapter, I will address the role of the paternity test and

²⁰⁹ In Chapter 2, I pull from the work of Nancy Fraser and Linda Gordon to demonstrate the ways that the concept of dependency has changed over time. While it previously include wage labor, our current understanding of dependency sees wage labor as independent, self-sustaining action and so dependency now only refers to those who are dependent/reliant on the state for basic needs, such as food, shelter and clothing. Under this incarnation of dependency, we are able to map a series of dichotomies; independent/dependent; active/passive; flexible/fixed.

the cultural logic of paternity with regard to issues of justice, fairness, and failure through an examination of Deadbeat Dads.

Whereas Chapter 2 examines how the paternity test and the cultural logic of paternity are used in welfare legislation, this chapter examines the moments in which the paternity test and this logic of paternity are used in both the media-administered justice system (court shows) as well as a state-administered justice system (DPPA and circuit court opinions that challenge the DPPA). I proffer that the pursuit of justice in both of these justice systems tends to take two forms. The first defines justice in terms of fairness and can either be mobilized to determine the best interests of the child through child support orders or seek to release a non-biological father from child support obligations. The second defines justice as punitive, as retribution, as revenge. This form of justice is used to secure and enforce child support orders and punish fathers who do not meet their mandated support responsibilities.²¹⁰ As we will see, fairness and retribution, righteousness and revenge, are both mobilized in the name of justice to enforce parental responsibilities and to police and punish failure to meet these responsibilities.

What happens, in short, when fathers fail to pay child support? What we will discover is that, in these instances, the current system operates from a very narrow conception of justice, one that frames justice as something imposed on individuals as punishment for their failure to act “responsibly.” However, this failure to pay is also a gateway leading to questions about other forms of support like investments of time,

²¹⁰ Conversely, the pursuit of justice as retribution also motivates a number of new state statutes known as paternity fraud legislation. These statutes allow non-biological fathers to not only disestablish paternity and support orders, but to seek restitution from mothers and/or, in the most extreme cases, subject mothers to additional fines and felony fraud charges for putting the wrong man’s name on the birth certificate.

emotion, and care. These forms of support are not enforceable by law, but become part of the conversation when fathers are challenged in court. For instance, in the passage from Judge Pirro above, she says “If you can’t afford it, at least go and see her. What is wrong with you?”²¹¹ As we will see, the Deadbeat Dad is vilified for his resistance to his resurrection. Scenarios such as these involve questions of needs, responsibilities and justice and they play out across a number of sites—in the media, in legislation, in courtrooms

Deadbeat Dads as Constitutive Failure

Failure is a key term here and warrants some attention. The paternity test and the cultural logic of paternity become an instrumental tool, a rationality for helping to define failure—failed tests, failed fathers, failed mothers, failed families, failed children, failed policies, and failed rationalities. And, like justice, failure here can be understood in two ways—both in terms of a general lack of success, but also in the sense that you can label someone or something as a failure or as failing. But, as I will argue at the end, these failures are not necessarily the abject underside of their successful counterparts. Instead, I will argue that coming to understand these failures as productive possibilities works to disrupt the hegemonic logic of paternity. However, in order to uncover the productive possibilities of failure, we must first unsettle the neoliberal logic of success and failure.

Simply put, neoliberalism can be understood as both an ideological position and a set of policy initiatives, which are shaped by that ideology. Wendy Larner describes this relationship between neoliberal policy and ideology:

²¹¹ “Jenkins v. McAfee,” *Judge Jeanine Pirro*.

Analysts tend to attribute this shift in policy agendas to the capture of key institutions and political actors by a particular political Ideology (with a capital ‘I’), a body of ideas or a worldview. This body of ideas is understood to rest on five values: the individual; freedom of choice; market security; laissez faire; and minimal government. These values underpin the new institutional economics...which, together with a new emphasis on managerialism, comprise the intellectual basis of the neo-liberal challenge to Keynesian welfarism, and provide the theoretical impetus for deregulation and privatization.”²¹²

Neoliberal ideology is therefore founded on the belief in private property and minimal governmental regulation. It is heavily invested in a concept of freedom, but this freedom is market-centered and framed by a logic of choice such that our individual freedom is presented as a set a choices within the market—our labor, our consumption, and our investment in the market, in our communities and in ourselves. The market is seen as an equalizing force and a communication mechanism so that concepts of supply and demand, competition, profit, efficiency and flexible labor will guide not just individual choices but global economies. It is believed that all goods, services and labor can be privatized, commodified and subjected to the market, that the market will maximize profit and efficiency and meet the needs of (demands) and increase the well-being of market participants, even if it does so unevenly.

Within this system, success and failure are mutually constitutive. Both success and failure are rationalized and understood in terms of a script already written by neoliberal logic. Success reinforces the overarching market system with rewards (profit, “freedom,” citizenship); whereas failure points to moments in the system that need further attention from neoliberal policy and structures. Failure here is contained within a neoliberal system and is not constructed outside of it; we can imagine this kind of failure

²¹² Larner, “Neo-liberalism,” 7.

as a *constitutive failure*. Indeed, the fact of failure is central to the way the system works.²¹³ For his part, David Harvey demonstrates how this constitutive failure validates neoliberal ideology and policy:

With the media dominated by upper-class interests, the myth could be propagated that states *failed* economically because they were not competitive (thereby creating a demand for even more neoliberal reforms). Increased social inequality within a territory was construed as necessary to encourage the entrepreneurial risk and innovation that conferred competitive power and stimulated growth. If conditions among the lower classes deteriorated, this was because they *failed*, usually for personal and cultural reasons, to enhance their own human capital (through dedication to education, the acquisition of a Protestant work ethic, submission to work discipline and flexibility, and the like). Particular problems arose, in short, because of lack of competitive strength or because of personal, cultural, and political *failings*. In a Darwinian neoliberal world, the argument went, only the fittest should and do survive.”²¹⁴

Such failures are constitutive because instead of exposing cracks in larger systems of politics, economics and institutions, they work to suture these cracks using a concept of failure that suggests the problems are not with the social and economic policy or rationalities (“the market”), but rather with the failed implementation of such policies. This holds true at the macro levels of international relations down to micro levels of individual lives, where the determining and meeting of needs are subjected to the market, and needs satisfaction is intimately tied to personal responsibility (as opposed to state or communal responsibility). At the macro level, then, failure would look like underdevelopment, unstable regimes, and poverty—all due to the inadequate unleashing of market forces. At the micro level, failure is seen as a defect of personal character and

²¹³ I want to thank Sean Johnson Andrews for helping me get to this understanding of failure.

²¹⁴ Harvey, *A Brief History of Neoliberalism*, 156-157, Emphasis mine.

lack of discipline. In both cases, the neoliberal response is to say that the problem is a lack of competitiveness and/or an inability to compete effectively.

Mediating the space between the individual and the market is the family. Much of the writing on neoliberalism seems to take the family for granted. Indeed, Milton Friedman says it succinctly, “The ultimate operative unit in our society is the family, not the individual.”²¹⁵ And, if we refer back to my discussion of PRWORA and governmentality in Chapter 2, we can see the ways the family as a unit is expected to negotiate, educate and regulate its members to be good consumers, citizens, and laborers (both productive and reproductive). Even though we may assume that, in its purest form, neoliberal rationality does not necessarily imply an investment in the forms particular families take (so long as they are productive families in terms of labor, consumption and ideology²¹⁶), the construction and promotion of a heteronormative nuclear family instantiated through marriage in PRWORA nonetheless suggests that actually-existing neoliberalism has retained a strong political and ideological investment in this “traditional” family form.

As discussed in Chapter 2, this somewhat puzzling reliance and insistence on this particular heterosexual, nuclear-family form and the constitutive failures it creates can be explained, at least in part, by the cultural logic of paternity. In short, this logic of paternity—including especially the singular focus on re-centralizing the biological father—offers a seemingly tidy solution to shoring up the family against the destabilizing

²¹⁵ Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 2002), 33.

²¹⁶ See Elspeth Probyn, “Identities: Food and the Familial Citizen,” *Theory, Culture and Society*, 15, no. 2, (1998):155-73.; Larner, “Post-Welfare State Governance.”

effects of economic restructuring and dislocation under neoliberalism. The resurrection of the father (a laboring subject) and his reinsertion into the family should give the family the stability to be the structuring (disciplining) economic and educative force imagined in PRWORA. Responsibility is shifted away from the state and on to the family.

And yet, although the resurrection of a biological father through DNA testing has been a great success (i.e., it is now quite easy to identify the biological father), his actual reinsertion into the family has been much less successful. I argue that by examining such moments of failure, when the attempt to resurrect, reinsert and re-centralize biological fathers breaks down, we can see the ways that failure may indeed point to fractures and wounds in this logic of paternity, and thus, in the political and ideological project of neoliberalism.

So, let us return to one such moment of failure – the Deadbeat Dad. Deadbeat Dads can be found across the social, political and media landscape. As I write this, for example, a headline on the popular gossip and entertainment news website TMZ reads "Juvenile Arrest Warrant Issued in Deadbeat Dad Case,"²¹⁷ while the *New York Times* has published a story on a recent research report which found that "more than half of births to women under 30 occur outside of marriage."²¹⁸ Although references to paternity disputes and deadbeat dads pervade the media landscape, very often the most interesting, consistent and relevant examples show up on daytime television. In addition to daytime talk shows like *Maury*, paternity dramas play out on court shows such as *Divorce Court*,

²¹⁷ "Juvenile Arrest Warrant Issued in Deadbeat Dad Case." TMZ.com, accessed July 15, 2010, <http://www.tnz.com/2012/02/24/juvenile-warrant-arrested-deadbeat-dad/?adid=hero4#.T0peAswQX0N>. Juvenile is a rap artist who has an arrest warrant issued for non-payment of child support to the tune of \$160,000 in Louisiana.

²¹⁸ DeParle and Tavernise, "For Women Under 30, Most Births Occur Outside Marriage."

Judge Mathis, *Judge Hatchett*, and *Judge Jeanine Pirro*, which feature “actual” civil lawsuits where both parties have agreed to drop their case in civil court and resolve their action in a televisual courtroom.

As I have been arguing throughout this dissertation, media objects have pedagogical importance when figured into a larger system of governance, of rule setting, of behavior. Indeed, as Nikolas Rose writes, the media “have provided a plethora of indirect mechanisms that can translate the goals of political, social and economic authorities into the choices and commitments of individuals, locating them into actual or virtual networks of identification through which they may be governed.”²¹⁹ I will be using media examples in this chapter as a way to engage with both people’s account of their experiences and the media-mediated, spectacularization of these experiences. What people have to say, how the interaction is framed, how justice and “failure” are presented, who has authority to speak and when, who recognizes that authority—these are all elements of media products that point to moments of civic pedagogy. How do we come to know of *Deadbeat Dads*? How are relationships constructed as failed or failing? It is important to understand that *Deadbeat Dads* are the product of a process (involving media, judicial, welfare and legislative institutions as well as individual men and women) driven by a cultural logic of paternity.

An example from *Divorce Court* provides an introduction to some of the forms and expressions of this logic. The following exchange takes place at the end of a 2012

²¹⁹ Rose, “Governing ‘Advanced’ Liberal Democracies,” 58.

Divorce Court episode²²⁰ after the cases had been heard and is presented like a public service announcement about how to avoid bad relationship choices.

Judge Lynn Toler (JT): Ok, here are some early warning signs. If you met him in jail...

Joe Catalano (JC): If she has to have DNA results on all the children she has...

JT: If he has nine different babies from nine different babies' mommas...

JC: Or if she's more interested in your bank account than your name on the first date...

JT: More than likely you'll end up in court than with happily ever after.²²¹

In this example, I want to focus on the ways that particular kinds of mothers and fathers are framed as “more likely” to end up in court. Echoes from Chapter 2 reverberate throughout this exchange—these are examples of irresponsible mothers and fathers as well as undesirable romantic partners. From being “in jail” to “you’ll end up in court,” this exchange is about defining failure, deviance, and criminality, underscored with elements of race, class and gender. We have “in court” versus “happily ever after,” failure versus success, where success is a heteronormative, romantic relationship and economic partnership.

²²⁰ *Divorce Court*, FOX, WDCA, Airdate January 31, 2012.

²²¹ I was struck by this exchange for two reasons. First, I was interested in its mention of DNA testing and baby mommas. And second, I was interested in the way that it expresses “common sense” advice. Indeed, the opening to *Divorce Court* describes Judge Toler as “intense with common sense.” My own reaction was to agree with it. In fact, these “warnings” are very similar to some relationship advice I have given to friends and family—“If your relationship could be the subject of a daytime talk show, it is time to move on.” And yet, the connection between paternity stories and juridical institutions as juxtaposed to “happily ever after(s)” warrants closer examination.

In the remaining sections of this chapter, I will engage with these concepts of failure and justice through an examination of Deadbeats Dads as they are presented on talk shows, on court-shows, in the DPPA and two of the constitutional challenges to it. Along the way, I will return to questioning the prevailing definitions of needs and responsibility. How are needs and responsibility being articulated? Whose needs are being privileged? What does it mean to “be responsible”? What might failure to meet those needs and responsibility mean? What forms of justice are used to address these failures? How might we imagine other ways of articulating and meeting needs and responsibilities? As we will see, understanding a Deadbeat Dad as a constitutive failure, and how he came into being as a failure, point us towards the productive possibilities of failure to potentially disrupt the cultural logic of paternity by offering alternative ways of defining needs, responsibilities and families.

“I’m not worthless your Honor”—Daytime Television and Deadbeats Dads

“Deadbeat! Deadbeat! Deadbeat!” Chants erupt from the talk show audience and are lead by single mother Brittney as “alleged” father Steven comes out on the stage.²²² Steven denies that he is the father of Brittney’s youngest child (although he acknowledges paternity for her oldest child) and admits to having nightmares that the “real” father is going to show up. Povich asks Steven his standard question, “Steven, Steven. This is very important to me. If the test shows that you’re the father, you’re going to be a father to that girl?” Steven says he will, that he already is, and that he doesn’t treat his younger child any differently than the older one. The test results are read naming

²²² “1 Man. . . 2 Sisters. . . Is He The Baby’s Dad?” *Maury*.

Steven as the biological father at which point Steven runs off the stage followed by Brittney and her sister who yells, “I want back child support for two years.”

On another episode of *Maury*, Tykeza, Monisha and Ti’eshia are on the show to prove Harry is the father of their babies. The show synopsis gives an overview of this particular situation:

MAURY sorts out the mess for 3 different women who are trying and find out if the same man fathered their 3 children. Tykeza, Monisha and Ti’eshia are here because they each think that Harry is the father of their children. Harry is positive that he didn’t father any of these kids and can’t wait to have the DNA tests prove him right. Since he already has 5 kids of his own, can Harry handle 3 more? See what happens on today’s MAURY!²²³

Povich introduces this segment by saying, “These three women have one thing in common. A man called Harry. And they are all furious that Harry has gone out of his way to deny their children.” During the pre-taped part of the segment, Tykeza says, “Harry is a deadbeat low life. When I was seven months pregnant, he up and left me. What kind of man does that?...Enough is enough. Harry needs to stop spreading his sperm all over the state of Florida. It’s time for him to step up and start claiming all his kids today.”

As the segment continues, Povich asks each of the women whether they are “a hundred percent sure” Harry is the father of their children. Each responds, “Yes, a hundred percent.” During Harry’s taped segment, he says two things of note. First about Monisha, “She stole my last name and gave it to her baby Jamaiyah. I want my name back.” And, second in regard to his responsibility, “I refuse to take care of any of these

²²³ “Broadcast Schedule For The Week Of 08/31/09,” on the *Maury* official Facebook page, accessed April 2, 2012, http://www.facebook.com/note.php?note_id=121868467799. This particular segment has been reinserted into a number of different paternity episodes. This synopsis is the same story of Harry’s paternity in an episode “3 Angry Women... 3 Babies... Is Harry the Father?” Airdate 8/31/09; “Test Me! I Didn’t Get Those 3 Women Pregnant!” Airdate 6/2/09; and “Does Harry Have *8* Kids!?!?!? – Father’s Day Special.” Original airdate in 2006.

babies because none of them are mine.” When Harry comes out on stage, Povich asks him, “How many [kids] do you have?” Harry responds, “Five,” to which Ti’eshia yells, “Eight” to account for the three babies being tested on the program. When Povich reads the results, Harry is the father of all three kids.

What is significant in this particular segment is that it does not feature Povich’s signature question, which is one about responsibility. Povich does not ask Harry whether he will “take responsibility for these children.” Instead, the segment closes with Povich walking over to Harry and saying, “Harry, you don’t have five kids. You’ve got eight.” And then, he exasperatedly turns his back to Harry and walks back across the stage. There is no engagement with Harry—no attempt to solicit promises of support, financial or emotional.

This segment is also marked by raced bodies. As I argue in Chapter 1, the talk show form primarily focuses on bodies as gendered bodies, but that these bodies are also raced and classed bodies. The image of three black women testing one black man is riddled with stereotypes of dependency, sexuality and irresponsibility (bad decision making, poor choices, failures). But when we get to see Harry, the racialization of this segment becomes obvious (see Figure 8). Harry’s hairstyle is reminiscent of styles worn by rappers Snoop Dog, Coolio and Busta Rhyme (men associated with drug use, misogyny, and gang activity). With hair braided and sectioned off to the top, sides and back of his head, ironically Harry’s hair resembles that of a court jester’s hat. Is Harry playing the fool? Has Harry been played for a fool? Is he here for our amusement? And what does it say about the women who chose to be with him?

In any event, in passing this test, Harry has been marked as a failure, a deadbeat, a person from whom even Povich has walked away. Instead of reclaiming his name, he learns that three more children have legal and financial claims to his name. Here, we are reminded of Craig from the opening of Chapter 2 who said, “I can’t have no more kids man. Oh she gonna put me on child support.” And now with a total of eight children, it is likely Harry, along with Steven from the story above, will also be caught up in a court system which will determine the amount, and indeed, even the forms of support (monetary as well as custody and visitation schedules), to face the consequences of “spreading his sperm all over the state of Florida.”



Figure 8: Harry on *Maury*

The media-administered justice system is one of high morality with strong emphasis on individual responsibility and making good choices.²²⁴ Interestingly, paternity testing enters these narratives as usually secondary to the actual cases being tried. On shows such as *Divorce Court*, the judge does not have the authority to grant a

²²⁴ Laurie Oullette, "'Take Responsibility for Yourself': *Judge Judy* and the Neoliberal Citizen," in *Reality TV: Remaking Television Culture*, eds Susan Murray and Laurie Oullette, (New York: New York University Press, 2009), 223-242.

divorce, but rather to settle property disputes, and paternity can play a role in the settlement of property. This holds true for these court programs across the board. However, in hearing the testimony for these disputes, we also hear about the personal relationships of those involved.

The programs I focus on here all have a paternity element to them. In some cases, paternity tests have already been done and claims for support for things like childcare costs and children's sports activity costs are being settled in court. In other cases, the main goal of the show's narrative is to reveal paternity. Overall, as Judge Lynn Toler, the presiding judge on *Divorce Court*, argued in an interview with *ABC News Nightline*, televised courtroom shows offer some things a state-administered court setting cannot. "I provide them with some emotional resolution," she told the reporter. "The legal system is not designed to say to one person, 'I'm sorry you've been hurt,' and say to the other person, 'You were a bad person for hurting *her* like that,' and you get that in '*Divorce Court*.'"²²⁵ In case after case, these shows involving paternity make very clear judgments, often valorizing one party and diminishing and chastising the other. And, as the quote from Judge Toler indicates, the person being hurt is prefigured as female (although, sometimes the hurt party is male). As such, Deadbeat Dads are taken to task.

For instance, on *Judge Hatchett*, a man named Tony Morrow is there to prove he is not the father of Annie Martin's daughter Kayla.²²⁶ This particular episode is interesting because there is no property claim. In this instance, both parties have

²²⁵ Lauren Sher and Chris Connolly, "Inside the Drama of 'Divorce Court,'" *ABC Nightline*, March 6, 2010, <http://abcnews.go.com/Nightline/divorce-court-wife-husband-square-off-drama-filled/story?id=10273017#.T3qHw-xSTQI>. Emphasis mine.

²²⁶ "Will the Real Baby Daddy Please Stand Up...DNA Decides," *Judge Hatchett*, FOX, WTTG, Airdate September 6, 2009.

petitioned “the court” for a paternity adjudication. The program’s announcer introduces the segment saying Tony believes he’s not the father because Tony thinks “Annie cheated on him every chance she got.” On the flip side, the announcer says Annie feels that “Tony’s just a deadbeat momma’s boy who’ll use any excuse to avoid taking responsibility for his child.” Judge Hatchett opens by peppering Annie with a number of questions about her fidelity, did she really have men jumping out of her trailer’s windows?²²⁷ This is similar to Montel Williams questioning of Lorraine in Chapter 1. We learn Annie and Tony were together for two months when she found out she was pregnant and that Tony did not initially question his paternity until “people started talking.”

Before Judge Hatchett reads the results, she first asks, “So, you aren’t together anymore?” Both respond “no.” Judge Hatchett then asks, “Is he supporting this child?” Annie replies, “uh, somewhat but...” Tony interrupts, “Somewhat?! Two hundred dollars a month!” Judge Hatchett continues, “Do you have a relationship with the baby?” Both Annie and Tony respond that he does not. Judge Hatchett presses, “Why not?” To which Tony replies, “Cause I don’t believe that child is....” Judge Hatchett interrupts, “Cause you don’t think it’s yours.” Tony confirms, “yeah.” Judge Hatchett looks at the paternity report and says, “The results are 99.9% sure. You are this child’s father.” Annie shouts, “I told you so! Ha!” Judge Hatchett continues, “Which means that you need to support this child emotionally. That’s first and foremost. And then you need to support this child financially. You may have thought that she was cheating on you. You may not have

²²⁷ References in this case to trailers and trailer parks, their employment status, along with their use of language mark Annie and Tony as working class.

trusted her. But this child is yours. And you have got to step up and you have got to be involved in her life. And I expect nothing less. Are we clear?" Tony is left only to say "ok." Judge Hatchett articulates an expectation of Tony as a father, "to step up and...be involved in her life." She positions his financial responsibility as second to the emotional support she believes he owes his daughter. This is different from Judge Pirro's admonishment that opens this chapter "If you can't afford it, at least go and see her." Still, in both instances, these admonishments are very similar to those of Povich and Montel Williams, stressing individual responsibility and an unarticulated and non-specific version of fatherhood—"are you going to be in this child's life?" Yet what does it mean to "be in a child's life?" As we will see below, there is a particular tension around needs and responsibility when paternity cases are on court shows. And this tension centers on the inability to legislate or indeed hold fathers accountable in any material way for social relationships between fathers and their biological children—that is, to hold them accountable for meeting the social, emotional and educative needs of these children.

However, not all programs frame the Deadbeat Dad this way. For example, when Judge Toler says she gets to tell people that they "are bad," she is a bit more aggressive. In a March 2009 *Divorce Court* episode, Judge Toler gives her ruling in a way that looks and sounds like female empowerment (the "I'm sorry you've been hurt") but it does so in a way that clearly marks the father as deadbeat, unworthy and undesirable (the "you're a bad person for hurting her").²²⁸ In this episode, Tameka James is asking for a divorce and the \$790 her husband Stanley Brown owes her for loans she has made to him. Stanley

²²⁸ "James v. Brown," *Divorce Court*, FOX, WDCA, Airdate March 20, 2009.

Brown is petitioning for a paternity test. Early in this narrative Judge Toler asks why they haven't taken a paternity test yet. Stanley replies that he was going to take the test when Tameka said she would pay for it. But, when she changed her mind and said she would only pay for half of it, Stanley said, "...she knows I was saving my money at the time and I didn't want to go to the bank to get \$400 out for a DNA test." Judge Toler then asks, "So it wasn't important enough for you to get \$400 to know whether or not that daughter was yours?" Stanley, seemingly sensing that this might be a dangerous road to travel responds, "Your Honor, it was important. I'm not saying it's not important...I'm the type of man...I own up to responsibilities. I'm not a bad guy." But, he's already been positioned in this narrative as irresponsible, as ignoring his responsibilities through his denial of Tameka's daughter Tamara. Judge Toler follows up asking, "But my question to you is if you knew, you could've known by taking the test. But you didn't think it was worth your \$400 to know whether a *life* that is in this world comes from you and that you should be caring for." We soon learn that even though Stanley refused to sign the birth certificate he still takes Tamara out for games and pizza. When Judge Toler reads the results, we learn that Stanley is indeed the father, to which Stanley replies that he still wants a divorce.

Now that the paternity results have been revealed, Judge Toler is ready to rule on the civil suit. Here, Judge Toler employs a language of empowerment directed at Tameka and remains dismissive of Stanley, almost as beyond reform, much like Povich with Harry above.

Judge Toler [from the bench looking at Stanley]: Listen honey, I'm going to buy her some track shoes and tell her to run. Don't worry about it. [laughter and applause] Don't

worry about it. When I get through, you're going to be the last person she wants to see. Now here's the deal [holding up the promissory note] you owe the money.

[Judge Toler turns to Tameka]: He owes you the money, but before I give you the money Mrs. James, look at me. [She motions with her hands pointing at Tameka's eyes and her own] Right here. You are a beautiful woman who is intelligent. You are about to be an RN. They make big money. You've got three children. You have built your own house. You are officially a bad sista! Do you know what I'm saying? [shouts and applause from the audience] Officially. There's no question. There's no maybe. And a bad sista does not need a worthless brotha. He's not worth anything to you.

Stanley interjects: I'm not worthless your Honor.

Judge Toler cuts him off and continues: Now he's not worth anything to you. That's what I'm telling you. There's no ifs, no ands, no maybes, or buts. He's not going to treat you well. He's not going to love you. He's not going to respect you. He's not going to honor who you are and what you, what you have become. So, I don't care if he calls, if he comes by, if he's got on lingerie, and a happy hat. I don't care. You don't let him anywhere near you. You let him near her [she points at the picture of Tamara]. You let him see her as often as you can. You encourage it. You make it *easy*. But you move on. Emotionally let it go. It never gets any better. He's got you tagged as a victim. He's got you tagged as a woman who *can* be used at will. And he's said this. And if you don't remember, take this show home and listen to what he said over and over and over again. 'She allows me so I use her.' That's what he said. Move on. You can get...[she shakes her shoulders] oh! The whole future belongs to you.

[Judge Toler turns back to Stanley]: All I can do Mr. Brown is ask you to be the man you'd like her to marry instead of the man who created her and then maybe you could be a man that someone like me and Tameka can be proud of.

Stanley, half smiling: You could be proud of me.

Judge Toler: But I'm not. Trust that. \$790 in favor of Mrs. James. It is so ordered.

[And she bangs her gavel. Case closed.]

In this case, Judge Toler presents us with an example of neoliberal subject formation. She uses a language of individual empowerment, which on the surface praises and encourages Tameka as a strong, independent woman (a good neoliberal subject who maintains employment in order to maintain her family). But also in her statement is a

double-bind which is perpetuated by the cultural logic of paternity. While at one moment Judge Toler tells Tameka to stay away from Stanley, in the next, she tells her to encourage Stanley's involvement in their daughter's life, to be accommodating, compliant, and encouraging. In this way, the father's presence is presumed to be so important that it takes precedence, even over the mother's individual emotional, economic and psychological interests. Framing Stanley as a "worthless brotha" positions him as a failure (failed father, failed partner, failed man), but even as a failure, his position as a father grants him access to his daughter, which must be facilitated by Tameka. The messiness of emotions, families, and histories are simplified.

This is an example of what Barbara Cruikshank calls the "will to empower."²²⁹ The language of empowerment used by Judge Toler here is meant to improve Tameka's life, to encourage her independence and to praise her successes (whereas Stanley's failures are held in stark relief to Tameka's success). However, Cruikshank argues that we need to have a healthy suspicion of such discourse. She writes, "critically examining the will to empower requires recognizing that despite the good, even radical, intentions of those who seek to empower others, relations of empowerment are in fact relations of power in and of themselves."²³⁰ The desire to "empower" others thus paradoxically positions them as "disempowered" and in need of rescue.

In this case, we have Tameka, hailed as "empowered" but in the next breath still tethered to her role as mother, still in need of financial help, and still tethered, ultimately, to Stanley, the biological father. Thus, the cultural logic of paternity works to keep

²²⁹ Cruikshank, *Will to Empower*.

²³⁰ Ibid., 70.

Stanley in their lives, always and forever, as long as he is willing, such that even a “worthless brotha,” a deadbeat dad, gets continued access to the lives of these women. In the end, Stanley is ordered to pay Tameka for the money he borrowed from her. But Tameka will now have to pursue support obligations and custody arrangements through family court. Being empowered is a lot of work.

So while Stanley is marked as a failure, the possibility of redemption and resurrection remains if he can turn himself into the right sort of man, “the man you’d like her to marry.” If Tameka is in need of empowerment, Stanley is in need of redemption which comes firstly through “responsible” fatherhood. But Judge Toler seems skeptical. For both Judge Hatchett and Judge Toler, the deadbeat dad needs to seek redemption first by emotionally supporting the child. Fatherhood remains a privileged position. But not all programs give Deadbeat Dads this possibility for redemption.

The language of empowerment takes a backseat on an episode of *Judge Mathis* where Catonya Pittman is suing Eric Walker for \$5000 for emotional distress “because of the turmoil this has caused her son.”²³¹ This case is less about the relationship between Catonya and Eric than it is about Eric and Catonya’s 15-year-old son Jakeem. Whereas Judge Toler primarily wants to empower Tameka (while still taking a swipe at Stanley), on this show, Judge Mathis wants to shame Eric. The episode opens with the announcer saying, “He never believed he was the father of Catonya’s son because she got pregnant while dating another man. Eric says he was forced to pay child support because his name was on the birth certificate. He’s suing for the overpayment of child support and

²³¹ “Pittman v Walker,” *Judge Mathis*, CW, WDCW, Airdate December 31, 2009.

emotional distress.” We see that Jakeem is in court and is sitting in a chair between Catonya and Eric. Early in the program Eric acknowledges that he has 10 kids. Judge Mathis asks if any live with him and if he is up-to-date on his child support payments. Eric responds that three children live with him and that he does pay child support. The judge then asks both Catonya and Eric whether Eric ever performed “fatherly duties.” Catonya replies that he has, while Eric denies ever performing fatherly duties.

Eric: Your Honor, the first time she brought uh, Jakeem home, [camera cuts to Jakeem who rolls his eyes and has his face resting in his hand almost as a barrier between himself and Eric] you know, I have kids, you know, I can, you can feel the love for your child. I just didn’t feel that bond, I didn’t feel that connection. I can actually remember the day.

Judge Mathis interjects: What do you mean? He was two days old. What did you expect?

Eric stutters: I mean, when you hold them, you can feel like a bond. You can feel that love.

Catonya [from off-screen]: Oh wow! [perhaps disbelieving Eric would say something like that in front of Jakeem]

Eric: I’m pretty sure you got kids yourself. I felt I know, I know what I felt with my daughter and I knew well at that time.

After further prompting from Judge Mathis and another exclamation of astonishment from Catonya, Eric says: “It’s, it’s a feeling. It’s a, it’s a bond. It’s a special kind of love. It’s a special feeling that you feel. I mean, like I said, I got ten kids. I ain’t got no reason to deny one now.”

At the heart of the matter here is a thread that has run throughout this dissertation. This cultural logic of paternity is linked to an insistence on biology not only in the state and on daytime television, but also among the fathers on these shows as well. As we saw with Stanley, Tony, Harry and Steven above, these men are committed to NOT paying for a child they believe is NOT biologically their own. And, they will hold their ground until biology is proven. But there are consequences.

After the commercial break, the exchange continues between Judge Mathis and

Eric:

Judge Mathis: One more time, how did you respond? Did you respond as a father would for several years? Did you continue to deny for several years? Or did you just start denying? Tell me.

Eric: I kept, I kept denying your honor.

Judge Mathis: From the beginning?

Eric: From the beginning. When he was born, she took me to child support. We went there and they asked me if it was my child and I told them “no.” And they said, well you signed the birth certificate so you’re responsible.

Judge Mathis: Alright. You didn’t say I’m going to take a DNA test to prove I’m not?

Eric: It was too late. They said you signed the birth certificate and that’s it. They said it don’t matter what you do from this point.²³²

Judge Mathis: Ok, you went to the wrong court or you’re not telling me the truth...So what has happened over the years, aside from you paying child support as you claim?

Eric: Catonya continually tells me that the child is mine. She never once said that the child was not mine. [Camera cuts to an icy stare from Jakeem towards Eric]

Judge Mathis: You never admitted it? You never agreed?

Eric, shaking his head: Never agreed. Never admitted. Not one time.

Judge Mathis asks Jakeem how old he is. He responds that he’s 15. Turning to Eric, Mathis says angrily: 15 years and you haven’t taken a DNA test! You have to come here to get a DNA test while this young man is being confused.

Eric: Cause we already established that...

²³² In Chapter 2, I discuss paternity establishment programs. Because the laws for paternity establishment (and paternity disestablishment) differ by state, it is possible that Eric lived in a state where he waited too long to seek to disestablish paternity. The state’s logic being that he’s claimed to be a father for that set period of time and that, often, it is emotionally and financially damaging to the child to disestablish paternity. So, working from the “best interest of the child” concept, it is possible that he may indeed not have been able to disestablish paternity.

Judge Mathis: You established what?! You ain't established the truth until you get a DNA test.

[Crowd applauds as Judge Mathis tells the bailiff to get the test results.]

Judge Mathis barks: Talkin' bout you established something.

Catonya: And the only person that is suffering here is my son. The only person that's suffering is Jakeem.

Judge Mathis: What over payment of child support are you suing for?

Catonya: He never paid child support.

Judge Mathis: Show me evidence.

Eric: I don't have that with me your Honor.

Judge Mathis: I know you don't.

Catonya: Cause he never paid.

Judge Mathis gets the results, looks at them and says: Eric Walker is the father.
[Slamming the paper down on his judge's bench] he then yells: Look at it you low life.
[The audience applauds].

The program then cuts to a split screen between Jakeem and Eric. Catonya is off screen saying: I told you. I told you. Thank you so much.

Judge Mathis continues his rant toward Eric: Playing with this young man's mind. I don't care what you do unnecessarily with your and her relationship, but to play with that young man's mind like that, paying child support but at the same time denying him for 15 years. Certainly if you could pay child support over 15 years you had \$500 to get a DNA report to determine whether this young man was yours so he doesn't have to walk around here confused not knowing whether you're lying or not.²³³

The episode ends with Judge Mathis granting Catonya the \$5000 and dismissing Eric's claim for overpayment of child support and emotional distress. Judge Mathis then

²³³ "Pittman v Walker," *Judge Mathis*.

says to Catonya, “Go to child support and get every single year that he has missed for 15 years. Have a good day.” To which Catonya replies “I’ve started, your Honor.”

There is a complex play of factors here leading up to Judge Mathis’s final judgment of Eric as a “low life.” First and foremost, Judge Mathis is expressing a sense of outrage on behalf of Jakeem, relying on the notion that a fatherless child is a troubled child. But, there is no opening for redemption like we saw with Judge Hatchett and Judge Toler. Perhaps this is because Jakeem is a teenager and the relationship is so very damaged. The camera cut-aways to Jakeem during the episode show Jakeem’s visible disdain for Eric through his facial expressions as well as his body posture.

Second, there is a question of whether Eric has paid child support, which is never actually resolved during the program. While Catonya says he has never paid, Eric says he has. This seems almost beside the point to Judge Mathis (again, this is secondary to being an emotional support to the child). And yet, the justice remedy he suggests to Catonya is to petition for child support for “every single year he’s missed.”²³⁴ Indeed, it is the only course of action Catonya can take beyond using the paternity test to prove Eric is the father.

Third, we know by the end of the program that the positive paternity result for Jakeem means Eric has 11 children. And this brings up two contradictions. First, Eric’s appeals to a “special kind of love” between himself and his acknowledged children come back to haunt him in the end, so that we are not only suspicious of the sincerity of Eric’s claim, but have to question the connection between biology and “love.” And second,

²³⁴ And this is reminiscent of Montel Williams’s comment from Chapter 1—“You are a father. And, I don’t care if you never see your child again for the next 18 years. I hope

regardless of whether Eric can support (emotionally and financially) all of his children, he is decidedly marked as a deadbeat through his failure as a father to Jakeem, and thus his ability to support the other children is called into question.

Eric's insistence on a "special kind of love" points to a moment when we have to question whether it is indeed biology that creates that "special kind of love" or whether it is something else. Taking Eric at his word, what is it that bonded him to the other children and not to Jakeem? Is it just the belief of paternity? Or might it be the desire for paternity, the desire to be the father? And, if that is the case, it is choice, more than biology, which facilitates that "special kind of love." And so, Eric speaks in front of Jakeem of his affection for his other children and grounds that affection in a biological relationship, when in the end it turns out that Eric made the choice *not* to "father" Jakeem. Eric uses his lack of affection for Jakeem not only as a reason to deny paternity, but also as a reason not to seek a paternity test and not to have a relationship with Jakeem. For Judge Mathis, this seems to be Eric's worst offense.

In calling Eric a "low life," Judge Mathis marks Eric as worthless, unfit, undesirable, a failure. Like Harry from *Maury* above, Judge Mathis does not call for Eric to "step-up" or to "take responsibility." Both of these men, fathers of 8 and 11 children respectively, have been resurrected as fathers, but their past and future failure is presumed. Ours is a system which understands families in very particular ways such that a man with multiple children by multiple women cannot provide the emotional and economic stability fathers are imagined to bring to families. In these cases, identifying paternity is not likely to change the material conditions for the child as a man with 11

children by multiple mothers will have his material resources already stretched thin. The same could be said for his emotional resources. And so, Eric and Harry and the many other men like them are framed as failing fathers connected to (multiple) failing families.

In each of these cases above, the cultural logic of paternity pursues a single-minded aim: identifying the biological father. Once identified through a paternity test, he has legal responsibilities, which are solely financial. However, if he fails to meet his financial child support responsibilities he can be brought into a space where his emotional child support responsibilities are then also called into question. Even if these emotional responsibilities are not enforceable, he will still be judged, held accountable if only as the subject of scorn and shame. Thus, I argue the primary goal of these programs is to impose retributive justice on the failed father—to be the space to say “you’re a bad person.” He becomes “deadbeat” when failing to fulfill his emotional and financial obligation. His interaction with the media-administered justice system in this manner is defined by his status as the father and his “failure” as a father. Here, justice primarily takes the form of shame and humiliation. But it is at once righteous and punitive. Justice reinforces the “you’re a bad person for hurting her,” “a worthless brotha,” “a low life” and working from a righteous position, the judgment awards a not only a financial settlement to the person who has been hurt, but also a sense of public vindication, be it Annie’s “I told you so! Ha!” or Catonya’s “I told you. I told you.” And, there is a valorization of the social father as “the man you’d like her to marry,” who is “involved in her life,” followed by the admonishment of the actually existing father in the televisual

courtroom. Still despite Judge Hatchett's "expectation," there is no enforceable obligation to be a social father.

While the financial settlement often takes a back seat to the moment of vindication, securing some sort of financial settlement or support is a crucial component of the program. In Tameka's case she is awarded the amount she was owed in the promissory note Stanley signed. In Catonya's case, it was \$5000 for emotional distress. The financial settlement is the foundation of the case, the entryway into the controlled chaos of this televisual family drama. Even though each of the judges may issue opinions about the character of the litigants, in the end, the only legally binding thing they can do is award a financial settlement. In the media-administered justice system, judges do not have the authority to further prosecute Deadbeat Dads, nor do they have the authority to award or negotiate child support benefits, custody or visitation. Instead, as we saw with talk shows in Chapter 1, mothers are encouraged to pursue child support through the family court system. They are encouraged to make him pay.

And so, in terms of financial obligations, perhaps the most crucial part of all of these televisual paternity stories is the potential financial support that comes with a positive paternity test result. The test produces a document that has scientific and legal authority. That document is what these women will need to move from the media-administered justice system to the state-administered justice system to petition for and secure state-ordered child support. Beyond the cost of the paternity test, a positive test result has a value in and of itself. But, this is a value that only makes sense under the

cultural logic of paternity where finding a biological father is imagined to meet the needs of children and their caregivers.

While these televisual judges stress the importance of emotional support (and the possibility of emotional damage), they are unable to do much more than give it some lip-service, some air-time. Thus, we find a productive contradiction in this logic of paternity. There is an expression and recognition that, in addition to money, kids need love, nurturing and emotional support. And yet, there is no way to force fathers meet that need (beyond the shaming tactics mentioned above). While a biological father's resurrection through the paternity test does give the mothers (and the state) legal grounds to seek financial support using this logic of paternity, the identification of a biological father does not transform that man into a social or rearing father. It cannot force that man to have a caring, emotional relationship with his child. It can only aid in legislating that the man take care of his child financially.²³⁵

From the examples of Steven, Harry, Tony, Stanley and Eric above, we understand Deadbeat Dads as men who first and foremost shirk their financial responsibility to one or more of their children, who do not pay for their children's care and well-being despite having the resources to do so. They are also men who have had little to no involvement in their children's lives. It is important to understand that very often the father chooses *not* to "father," as in the case of Eric above. There is an intention on his part to deny resources to the child and his or her caregiver. Thus, Deadbeat Dad is a title reserved for the worst of non-custodial fathers. It is a pejorative term, and is meant

²³⁵ See my discussion of "caring" and "taking care of" in Chapter 2.

to shame, humiliate, and degrade the father for not being responsible, for *failing* to be responsible. In the spirit of shaming, there are websites devoted to exposing Deadbeat Dads. One such site, called CrappyDads.com, says it “is a place for all those affected by the ‘deadbeat dad’ to display their stories, images and even videos”²³⁶ The goal of the site is to shame, locate and hold accountable fathers who have “*freely chosen* not to be a financially supportive parent in their children’s life”²³⁷

We have to wonder what might motivate fathers to want to care for their children. Shame as a strategy isn’t necessarily working. Judges cannot coerce biological fathers into providing emotional support for their kids. The cultural logic of paternity, as articulated by Eric, would have us believe that biology compels men to care for their children, to have that “special kind of love.” Indeed, the common refrain of “I’m not paying for a kid that ain’t mine” underscores the privileging of biological connections between men and children. And yet, Jakeem is Eric’s biological son, and so Eric’s appeals to a natural biological “connection” and “bond” with his children must actually be based on something else. Is it desire? Is it choice? Whatever it is, Eric isn’t “feeling it.” As we learn through Eric’s case, there is no inherent biological drive that compels fathers to *want* to provide any form of support to their children (emotional or financial). Indeed, we can return to Eric’s own words “It’s a special feeling that you feel. I mean, like I said, I got ten kids. I ain’t got no reason to deny one *now*.” Indeed, what reason would he have to deny *one* now?

²³⁶ “About Us,” CrappyDads.com, accessed March 12, 2012, <http://crappydads.com/about/>. Emphasis mine.

²³⁷ Ibid.

What we can take-away from the televisual presentation of Deadbeat Dads is idea that emotional support for children is just as important as financial support. And yet, we are faced with the contradiction that we are relying on the cultural logic of paternity and the corresponding resurrection of a biological father as the solution to meeting those needs. But this solution, as the very subject of the Deadbeat Dad suggests, fails over and over again.

And so these men represent constitutive failures. They must be marked as loathsome and as failures in order to hide the failure of this logic and its focus on the biological father to meet the emotional (and often financial) needs of children. Instead Deadbeat Dads serve as a slight-of-hand to distract attention from neoliberal economic policies, which are often the very force undermining families in the first place. We can instead blame fathers and mothers for their failure as individuals to live up to the image of the ideal family. This in turn puts pressure on the family, as an individual unit, to meet and maintain all the needs of its members so that “we” (the taxpayer) don’t have to pay for “your” child.

When Stanley tells Judge Toler “I’m not worthless your Honor,” he’s right in more ways than one. On the one hand, as a Deadbeat Dad, he is actually a valuable and necessary subject under neoliberalism. His failure validates the men who play by the rules, who pay for their children so that they are not reliant on the state. On the other hand, understanding him as a constitutive failure, indeed understanding all the other men labeled as Deadbeat Dads as constitutive failures, provides an entry point to disrupt the

cultural logic of paternity. As we will see, his failed resurrection points to the productive possibilities of failure.

”The quiet crisis of unpaid child support”: Deadbeat Dads and the Deadbeat Parents Punishment Act

Deadbeat Dads are not just a cultural or social or even economic construction. They are also a legal construction. Indeed, as the passages from Judge Toler and Judge Pirro which opens this chapter suggests, there are laws in place which require fathers to pay child support. Being a Deadbeat Dad can be a civil and criminal offence. The website Criminal Watch links to state Deadbeat Dads and Moms databases. A search in my state of residence, Maryland, allowed me to narrow my search to my county, Prince Georges. There I was able to see pictures, identifying information, last known address or area as well as the amount owed in arrears of six men wanted for child support order violations.²³⁸

As discussed in Chapter 2, child support enforcement agencies are entrusted with the collection of court-ordered child support obligations. These programs are run by states with federal support (which includes financial support as well as collection mandates). Penalties for parents who do not to comply (read do not pay) can be charged with a civil offense. With federal cooperation, states have a number of coercive and

²³⁸ “Deadbeat Dads and Moms,” CriminalWatch.com, accessed March 18, 2012, <http://www.criminalwatch.com/deadbeat/default.asp>. I should also note here that I looked at other counties in the state of Maryland. While Deadbeat Dads were the majority, there were three Deadbeat Moms in the database.

punitive remedies on hand to encourage compliance.²³⁹ For instance, in the state of Maryland there are a number of “enforcement tools”: the state may intercept federal and state income tax returns; the state may deny, revoke or restrict a passport; the state may revoke or deny driver’s licenses as well as professional or occupational licenses; the state may garnish wages; the state may put liens on real and personal property and/or seize assets; the state may report delinquent parents to credit reporting agencies; the state may seize lottery winnings; and the state may hold delinquent parents in civil contempt of a support order which can result in incarceration.²⁴⁰ These “enforcement tools” may vary some from state to state, but the ones listed above are a good demonstration of the breadth of resources employed in child support collection, all intended to enforce the father’s (or mother’s) financial obligation to the child through coercive measures.

In most cases, Deadbeat Dads are defined and managed by state law and law enforcement. While the media-administered justice system had references to emotional child support, the legal system reduces a biological father’s obligation to financial support. And so, in response to what was presented as a growing problem with interstate child support enforcement (either parents who did not pay for children living in another state or parents who fled the state to avoid paying child support), Congress passed and President Clinton signed the Deadbeat Parents Punishment Act of 1998 (DPPA). This act includes new felony offenses and updates the Child Support Recovery Act of 1992 (CSRA). Both of these acts make it a federal criminal offense if a parent “willfully fails”

²³⁹ See “Office of Child Support Enforcement (OCSE) Fact Sheet,” U.S. Department of Health and Human Services, Administration for Children and Families, accessed March 12, 2012, http://www.acf.hhs.gov/opa/fact_sheets/cse_factsheet.html.

²⁴⁰ “Child Support – Tools,” Maryland Department of Human Resources, accessed March 12, 2012, <http://www.dhr.state.md.us/csea/enf.php>.

to pay child support for a child in another state. The Clinton Administration released a “The White House at Work” memo in response to the signing of the DPPA that quotes President Clinton as saying, “This bill today is a gift to our children and the future. The quiet crisis of unpaid child support is something that our country and our families shouldn’t tolerate. Our first responsibility, all of us, is to our children.”²⁴¹

President Clinton’s discursive construction of a “quiet crisis of unpaid child support” is highly problematic but also emblematic of a neoliberal rationality. It refigures the struggles of single-parents (most often mothers) and their children. Undoubtedly, the income from child support payments would ease the financial burden on these families. The legislative record for the CSRA indicates that unpaid child support had already reached billions of dollars.²⁴² However, this language suggests that securing financial support from an absent parent is “our first responsibility...to our children.” The cultural logic of paternity obscures other ways we might imagine how we meet our responsibilities to “our children and the future.” Bearing this in mind, I will now turn to an examination of the DPPA in order to see how the Deadbeat Dad is constructed as a subject of law. I then turn my attention to challenges brought to the CSRA and DPPA through an examination of US Circuit Court case opinions. In doing so we will see the ways in which the Deadbeat Dads, men like Harry and Eric and Stanley, are figured as citizens and subjects, as fathers and as failures, and how their actions are framed as criminal because they are situated in a cultural logic of paternity, which equates

²⁴¹“President Clinton: Strengthening Child Support Enforcement,” The White House at Work, June 24, 1998, <http://clinton2.nara.gov/WH/Work/062498.html>.

²⁴² H.R. Rep. No. 102-771, (1992).

responsibility to the children as primarily financial, as the main way to meet the needs of children.

The DPPA, on the surface, seems fairly straightforward. It presents the goals of the act, the establishment and description of the felony violations as well as the punishments associated with these violations. The goal of the act is to “establish felony violations for the failure to pay legal child support obligations, and for other purposes.” This opening statement of the DPPA already gives us cause for a pause however. The final words “for other purposes” are not clearly defined in the act itself. And so, what might be the other purposes to establish these felony violations? We can find an answer in a 1997 Department of Justice memorandum about prosecuting parents under the CSRA. The memo itself is entitled “Prosecutive Guidelines and Procedures for the Child Support Recovery Act of 1997.” In the section “Charging Decisions and Notice to Target,” the Attorney General recommends that “once a case has been filed it should not be dismissed.”²⁴³ The memo points out that any dismissal or pre-trial diversion would mitigate the deterrent impact of the offense. The DPPA includes a harsher punishment for repeat offenders. So, here, we learn that these federal felony violations are a ratcheting up of the punitive measures available to the state used to both enforce and deter non-payment of child support.²⁴⁴ These are cases investigated primarily by the F.B.I. and prosecuted by U.S. Attorneys.

²⁴³ Office of the U.S. Attorney General, *Prosecutive Guidelines and Procedures for the Child Support Recovery Act of 1992 (REVISED, 2/97)* (Washington, DC: 1997), accessed on March 12, 2012, <http://www.justice.gov/ag/readingroom/childspt2.htm>.

²⁴⁴ See also 144 Cong. Rec. S5734-02 (1998) where Senators discuss the need for harsher punishment for child support offenders

Section 2a of the DPPA amends the CSRA offenses for “failure to pay legal child support obligations.” The offenses are “any person who”

- (1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000;
- (2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000; or
- (3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than \$10,000²⁴⁵

For our purposes, it is worth a moment to think about what it is to “willfully fail.” The use of “fail” here is interesting. What might motivate someone to “willfully fail”? I will discuss the concept of “willfully” in more detail below, but here I want to frontload a few key points. First, failure underscored with the idea of a deadbeat creates a political subject in need of containment, if not reform. Failure here is a constitutive failure. The very construction of a willfully delinquent subject serves to validate its counterpart, the willfully compliant subject. And both are encapsulated in a cultural logic of paternity that figures them primarily as economic subjects. Child support is here defined as a solely financial obligation. In fact, the DPPA specifically defines the term “support obligation” as “any amount determined under a court order or an order of an administrative process...to be due from a person for the support and maintenance of a child or of a child

²⁴⁵ Even though the language of the DPPA remains gender-neutral, and indeed women are convicted under the DPPA, the imagined subject of the Deadbeat Parent is figured as male in discussions about implementation. This can be seen in the Department of Justice memo cited above under the section “Consideration for Probation.” The first and second considerations gender the defendant as male. The first reads, “Support his dependents and meet other family responsibilities.” The second reads, “Work conscientiously at suitable employment or pursue conscientiously a course of study that will equip him for suitable employment.” We can see it again in a Ninth Circuit Court of Appeals discussion of willfulness which reads, “a non-custodial parent should never be confronted with a situation where he is ordered to make a child support payment he cannot afford.” *United States v. Ballek*, 170 F 3d 871, 873 (9th Cir. 1999).

and the parent with whom the child is living.” It is worth noting that a father is not held in contempt or subject to federal felony violations for missing scheduled visitation, although a mother can be held in contempt if she obstructs a father’s scheduled visitation. A father’s physical presence and emotional support does not fall under child support. He remains flexible so long as he meets his financial obligation. Fathers are afforded the opportunity to “willfully fail.”

And if they do fail, there are consequences. The DPPA mandates incarceration for up to 2 years and/or fines as well as compulsory restitution “equal to the amount of unpaid support obligation as it exists at the time of sentencing.” Part of the reason the DPPA is limited to financial support is that it is this willful failure to pay that allows the federal government to become involved, since it interferes with interstate commerce. In this way, the statute only applies to “deadbeat” parents who live in a different state than their child, or who have fled the state intentionally to avoid paying a support order. The rationale, as we will see below, is linked to the powers ascribed to Congress to regulate the flow of money, things and persons across state lines.²⁴⁶

I now take-up the DPPA and the CSRA through the lens of judicial challenges to the act itself in order to get an understanding of not only how this law looks in practice, but to also further underscore its economic foundation. I am specifically looking at the U.S. Courts of Appeal, which in most cases are the last stop for federal appeals barring a U.S. Supreme Court hearing (and so far, challenges to the DPPA have not been accepted by the Supreme Court for review). Challenges to the DPPA tend to focus on two main

²⁴⁶ *United States v. Parker*, 108 F.3d 28 (3d Cir. 1997); *United States v. Kukafka*, 478 F.3d 531 (3d Cir. 2007).

areas: child support as interstate commerce and the definition of “willfully.” In addition to these constitutional challenges, an examination of these circuit court opinions also give us a narrative picture of what a Deadbeat Dad looks like under the framework of the DPPA. How bad, in short, does one have to be to be prosecuted under the DPPA?

The Commerce Clause as the foundation for the CSRA and DPPA was challenged by Ira Kukafka and heard before the 3rd Circuit Court of Appeals.²⁴⁷ The majority opinion was written by Circuit Judge Julio Fuentes, and offers a background of the case. From the opinion, we learn that Kukafka is a trained electrical engineer with a graduate level education. He married Esther Bailey in 1982; they had four children and lived in New Jersey. After his marriage to Bailey, Kukafka changed his profession from engineering to real estate. The family fell on hard times in the mid-1990s, lost their home, and moved in with Bailey’s parents. Amid the financial difficulties, two of the children were diagnosed with serious illnesses and the marriage was troubled.

In 1996, Kukafka left his family and moved in with his mother in Florida. In 1997, Bailey filed for divorce. Kukafka “consistently failed to make child support payments” between 1998 and 2004, even though he was living with his mother and had no basic living expenses.²⁴⁸ We also learn that “[i]n 1997, Esther Bailey began receiving welfare checks in exchange for assigning her support collection rights to the State” of New Jersey. New Jersey then petitioned Florida to enforce the support obligations.²⁴⁹ Because of this, Kukafka was held in contempt in Florida for outstanding payments

²⁴⁷ *United States v. Kukafka*, 478 F.3d 531 (3d Cir. 2007).

²⁴⁸ *Ibid.*, 4.

²⁴⁹ *Ibid.*

totaling \$125,343. According to Judge Fuentes' opinion, "During the contempt proceedings, Kukafka claimed, among other things: that he should not have to pay child support; that his ex-wife earned enough on her own to support their children; that he was unable to obtain suitable employment; that he was awaiting returns on several real estate ventures; that he was pursuing needed licensing and education; and that his illnesses prevented him from finding work."²⁵⁰ Kukafka was convicted of "willful failure to pay" his child support obligations and was sentenced to two years in prison and \$145,337 in restitution.

Kukafka's main challenge to his conviction argued that the CSRA/DPPA "exceeds the scope of Congress's power under the Commerce Clause."²⁵¹ In his majority opinion, Judge Fuentes refuted this challenge. First, the Court argued that "although the failure to pay child support might be a local activity, it is part of a national economic problem that substantially affects interstate commerce"²⁵² The court then argued that "the Deadbeat Parents Act²⁵³ [sic] clearly regulates an activity having a substantial effect on interstate commerce. First, the activity regulated under the Act is commercial, or economic, in nature...failure to fulfill a financial obligation 'gives rise to a debt which implicates economic activity' ...the Act was passed after express legislative findings about the effect of unpaid child support on interstate commerce. Indeed, when Congress passed the Act, the amount of unpaid child support had reached into the billions of dollars

²⁵⁰ Ibid.

²⁵¹ Ibid., 6.

²⁵² Ibid., 7.

²⁵³ I am curious as to the reason Judge Fuentes leaves out the word "punishment" in the DPPA. He refers to it throughout the opinion as the "Deadbeat Parents Act" not the "Deadbeat Parents Punishment Act."

and amounted to a national problem adversely affecting interstate commerce”²⁵⁴ Judge Fuentes then addressed whether or not child support payments can be considered “things in interstate commerce.” The Court concluded that they are indeed things and that “[b]y targeting interstate child support obligations alone, Congress has ensured the Act regulates only those payments in interstate commerce and those persons who avoid their obligations by traveling across state lines.”²⁵⁵

What becomes evident here is that in order to criminalize the Deadbeat Dad, a political economy of paternity must first be mobilized. I have argued throughout this dissertation that fathers are viewed first and foremost as financial supports for their children. When he fulfills this obligation, he is awarded a fair degree of flexibility in terms of time, care-giving expectations, resources and relationships. I argue that this flexibility is premised on his privileged position as the parent whose presence most influences the success or failure of the child and so his presence should be encouraged (note the idea of mother failure from Chapter 2). However, a man who refuses to accept his (financial) position as father to his (biological) child will find that there are coercive measures in place to force him to at least meet his financial obligation or punish him for not being the solution.

By framing his offense not in terms of family law, or in terms of any actual obligation to the child, or indeed even as an appeal to justice, but instead framing it as a matter of interstate commerce, we can begin to see the punitive dimensions of the DPPA. The billions of dollars owed in child support is not presented as a valuable resource for

²⁵⁴ Ibid.

²⁵⁵ Ibid., 9.

children or as something to be claimed for the children, but rather imagined as having an abstract affect on interstate commerce, as having a negative impact on the flow of goods and money from one state to another. The harm is to businesses, to sites and spaces of commerce. Further, we have to remember that during the time of the Kukafka's offense, the State of New Jersey was pursuing him for child support arrears not to pass on to his children, but to repay the state for the money already paid to Bailey through her welfare support. This act is not about securing resources for the child and the mother (justice as fairness), but rather it is about punishing the father (justice as punitive) and relinquishing the state of further welfare assistance. Indeed, several of the circuit court opinions as well as the legislative history make mention of the deterrence goal of this punishment. But the very rationale for this punishment is predicated on a cultural logic of paternity grounded in a political economy informed by neoliberalism. Indeed, under this logic of paternity, it makes perfect sense to create the means to punish failed fathers using an interstate commerce clause. This will become more apparent as I examine the concept of willfulness below.

One of the foundational cases to address the willfulness issue is *United States v. Mattice*.²⁵⁶ The opinion, written by then Circuit Judge Sonia Sotomayor, chronicles the case of Lester Mattice. Mattice was charged under the CSRA, as his violation occurred before the passage of the DPPA. Mattice was sentenced to 90 days in jail and to pay restitution of \$57,271.28. A background provided in the opinion tells us that Mattice has three children; that he and their mother divorced in 1979; and that Mattice was in arrears

²⁵⁶ *United States v. Mattice*, 186 F.3d 219 (2d Cir. 1999).

for both child support and alimony. The court records show that when served with a court summons and complaint, “he responded by laughing and saying, ‘They’ll never get anything like that out of me.’”²⁵⁷ Josephine Mattice, Lester’s ex-wife, testified that when she called to talk to him about the child support he owed her, he told her that “he just makes kids, he doesn’t pay for them.”²⁵⁸ By 1990, Mattice was \$32,250 in arrears. Mattice claimed he never knew about the child support orders, despite having had his wages garnished from December of 1991 to July of 1992, despite being notified by his employer in 1991 that the reason for garnishment was “current child support maintenance” and “arrearages,” and despite garnished amounts being noted on his payroll stubs. However, Mattice said he did send a “considerable” sum of child support to his children both through their mother and directly. But he claimed these payments were sent via postal money orders or money grams, and so, there is no documented evidence of payment. Mattice stated to the court that “anytime [he] had money [he] sent it” and that he did so out of a “moral rather than legal obligation to support his children.”²⁵⁹

Mattice challenged his conviction on the concept of willfulness. He claimed he did not know of the order and so could not willfully fail to pay it. In the opinion, Judge Sotomayor referred to how willfulness is defined in the tax code. She pointed to the Supreme Court decision *Cheek v. United States* where the court “interpreted the willfulness standard in the tax statutes to mean ‘voluntary, intentional violation of a known legal duty.’”²⁶⁰ She further pointed to the CSRA legislative history which says

²⁵⁷ Ibid., 5.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ Ibid., 6.

that it borrows its definition of “willfully fails to pay” from the federal criminal tax code. This interpretation of “willfully” still holds today through circuit court opinions on the DPPA.²⁶¹ For *Mattice*, then, the question became whether or not he had knowledge of a legal duty to pay. Lester Mattice argued that he was unaware of the CSRA, and as such, did not know it was a criminal offense. However, the court ruled that it is not whether or not he knew about the CSRA specifically, but whether he knew of the court order, whether he knew he had a child support obligation. The judge magistrate hearing the original case expressed disbelief of Mattice’s claim. At sentencing he said to Mattice, “I just found your testimony that you had no idea that you were to pay the support rings as false as any testimony I’ve heard in court.”²⁶²

“Willfulness” is also challenged under the ability to pay. Mattice argues that separate from his knowledge of the order is his ability to pay and that the government’s burden is to prove he had enough income to pay the entire amount of the order. Judge Sotomayor addresses this claim on two counts. First she says that the act itself does not specify the entire amount, rather the act says the defendant fails to pay “any amount” so that non-payment of even partial amounts of the order are actionable under CSRA (and thus DPPA). But, the court acknowledges that there may be some cases where a parent is unable to pay even part of the past due child support. In those cases, the court rules, “his failure to pay cannot be either voluntary or intentional and thus cannot be willful within

²⁶¹ See *United States v. Hanna*, 630 F.3d 505, (7th Cir. 2010).; *United States v. Kukafka*, 478 F.3d 531 (3d Cir. 2007).; *United States v. Bell*, 598 F.3d 366 (7th Cir. 2010).; *United States v. Kerley*, 544 F.3d 172, (2d Cir. 2008).
²⁶² *United States v. Mattice*, 186 F.3d 219, 8-9 (2d Cir. 1999).

the meaning of the CSRA.”²⁶³ Under the CSRA and the DPPA, there is a defense for parents who do not have the income “after meeting his basic subsistence needs, to enable him to pay any portion of the support obligation.”²⁶⁴ Here, Mattice’s claim to have sent money and gifts to the children came back to haunt him. The trial court found that in addition to his income, by his own testimony, he had the means to pay some of the child support obligation. In the end, the court upheld his conviction and the order of restitution. So from this case we learn two things, that “willfully fail” comes from the federal criminal tax code and that “willfully fail” does not apply to parents who genuinely cannot afford to pay.

Like with the grounding in interstate commerce law above, DPPA’s lifting of “willfully fail to pay” from federal criminal tax code points to a neoliberal rationality, one that in this case equates paying taxes with citizenship and child support with fatherhood. It implies a duty, and that duty is set by the cultural logic of paternity. “Willfully failing” implies intention. It is not that one tried and failed (which might be considered to be the case for parents who truly do not have the means to pay child support, despite their best efforts and intentions). It is that one deliberately, with full understanding of their actions, failed. So while we might want to think of Deadbeat Dads as “do-nothings,” “willfully fail” implies that they have in fact done something. They have made a choice. They own their failure. They’ve chosen their failure. And so under neoliberalism, the subject known as the Deadbeat Dad is seen as a manifestation and

²⁶³ Ibid., 10.

²⁶⁴ Ibid.

convergence of personal failings and choices instead of a manifestation and symptom of failing policies, systems, logics and institutions.

“The Queer Art of Failure”: The Productive Possibilities for Failed Families

In this chapter, I explored the figure of the Deadbeat Dad and his connection to the cultural logic of paternity and the paternity test. Using the lenses of justice and failure, I was able to interrogate his presence on talk shows, court shows, as well as in federal law. I demonstrated that the paternity test is instrumental in the resurrection of the biological father and thus plays an important role in indentifying biological fathers who then can be held at least financially responsible for his child under the law. Further I showed that Deadbeat Dads are not just held accountable for financial support, but that, in media culture at least, they are also expected to be social fathers, to provide emotional support and guidance. However, it is their failure to pay financial support that puts them under the interrogation lights to answer for their failure to provide emotional support.

And yet, the public shaming a deadbeat dad experiences remains the only form of justice available to mothers and children and the only measure available to coerce him into being a social father. The effectiveness of this shaming is not known since shaming works on a personal and individual level.

I have also shown that appeals to biologically-based, natural relationships between fathers and children do not hold up when we start to talk about particular fathers and particular children. Through the case of Eric and Jakeem, I discovered a contradiction between Eric’s appeals to the “special kind of love” one feels for a biological child and the absence of that feeling for Jakeem, who is proved to be his son

though paternity testing. And, Eric's failure to father, the absence of the "special kind of love" opens a door for us to think critically about biological fathers. Why are we looking for them? And what do we get when we find them? If biology does not compel men to become fathers, what will? As yet, there are no good answers here, and I argue that this is, in part, because we are asking the wrong questions.

At this point, I want to return to President Clinton's "quiet crisis of unpaid child support." I argue that this "crisis" is really the failure of a system invested in a cultural logic of paternity, which despite its repeated sites of breakdown, rupture, and ineffectiveness, obstinately refuses to see these sites as symptomatic of system failure. Here, I argue, that the very fact of the existence of the Deadbeat Parents Punishment Act points to an attempt to suture this crisis, to validate this particular logic of paternity. In short, *I argue that positioning the figure of the Deadbeat Dad as a criminal is a neoliberal response to the failure of the father's resurrection.* Criminalizing this behavior is an attempt to contain and refigure the failure of resurrecting fathers as the solution for meeting the needs of and improving the lives of children and their caregivers. Said differently, the figure of the Deadbeat Dad is held to demonstrate that it is *not* that the resurrection of the father has failed, but rather, that these individual men have failed as fathers. Fathers are also neoliberal subjects expected to manage, govern and regulate themselves. Men as fathers have but one main obligation—to pay for their child. And they will be punished if they fail to do so. The Deadbeat Dad is presented as the abject side of the responsible father, as a constitutive failure. His failure validates and reinforces the responsible father's effectiveness. In understanding this relationship, we can see how

“political power does not just act on political subjects, but constructs them in particular ways.”²⁶⁵ The cultural logic of paternity informs and shapes the construction of the Deadbeat Dad as a political, social, and economic subject and then positions him to function as a constitutive failure under neoliberalism.

Sociologist and human geographer Wendy Larner has asked, “how do we account for the apparent success of neo-liberalism in shaping both political programmes and individual subjectivities?”²⁶⁶ I offer this examination of the convergence of paternity, of the Deadbeat Dad, of media, and of the law as a place to begin to tackle such a question. And, I posit that in order to understand this success, we need an understanding of the role and function of failure.

More specifically, I believe that thinking in terms of constitutive failures enables us to refigure these failures, and to perhaps see other possibilities and potential in them. I want to suggest that the above interactions of Deadbeat Dads with the justice system, both the media-administered system and the state-administered system, present both constitutive failures, but also, perhaps by sheer repetition, point to another understanding of failure, what Judith Halberstam describes as “the queer art of failure.”²⁶⁷ Halberstam writes, “Under certain circumstances failing, losing, forgetting unmaking, undoing, unbecoming, not knowing may in fact offer more creative, more cooperative, more surprising ways of being in the world...[F]ailure...can stand in contrast to the grim scenarios of success that depend upon ‘trying and trying again.’ In fact if success requires

²⁶⁵ Larner, “Neo-liberalism,” 19.

²⁶⁶ Ibid., 9

²⁶⁷ Judith Halberstam, *The Queer Art of Failure* (Durham, NC: Duke University Press, 2001).

so much effort, then maybe failure is easier in the long run and offers different rewards.”²⁶⁸

The failures represented by Deadbeat Dads are constructions of the cultural logic of paternity. In this way, to disrupt this logic is also to undo and unmake these failures, to undo the very concepts of mother and father and family, to challenge what Monique Wittig called “the straight mind.”²⁶⁹ Instead of simply repeating, again and again, the constitutive failures constructed by the effort to resurrect and reinsert the father into the family (the ‘trying and trying again’), how might we instead embrace this failure in order to better understand, articulate and address questions of needs, responsibility and justice? How then might we begin to rethink the family outside the cultural logic of paternity?

²⁶⁸ Halberstam, *The Queer Art of Failure*, 2-3.

²⁶⁹ Wittig, *The Straight Mind*.

CONCLUSION: “MORE LIKELY KIDS” AND THE FAILED PROMISE OF PATERNITY

Dannielyn, Anthony, Mike, Ryan, Sean Jr., Skyla, Jeremiah, Destiny (actually there are two girls named Destiny), Omri, Ta’Marion, Jamaiah, Kayla, Tamara, Jakeem, Jada, Mallory, Jaden, Michelle, Adam, Zaden, Latasha, Hayden, Nanciel, Joshua—these are some of the children who inhabit this dissertation. These are the “more likely” kids raised by single-mothers. They are “more likely to go on public assistance and to spend more years on welfare once enrolled;” “more likely to experience low verbal cognitive attainment, as well as more child abuse, and neglect;” “more likely to have lower cognitive scores, lower educational aspirations, and a greater likelihood of becoming teenage parents themselves;” “more likely to fail and repeat a year in grade school than are children from intact 2-parent families.”²⁷⁰ Their presence here implicates them in a complex system involving family, laws, politics, economics, race, class and gender. Popular culture, legislation, politicians, education, justice and welfare institutions all warn us of these kids’ future failure (both for the children’s sake but also for our own sake). Their future failure has been foretold.

Indeed, in hearings before the Ways and Means Subcommittee on the 2005 welfare reauthorization proposals, Robert Rector of The Heritage Foundation made the following claim: “As we all know, and on which there is complete agreement, the

²⁷⁰ Personal Responsibility and Work Opportunity Act of 1996, Pub. L. No. 104-193 110 Stat. 2105 (1996).

children born and raised without a father in the home are dramatically more likely to suffer emotional and behavioral problems, to fail in school, to suffer from drug and alcohol abuse, to end up incarcerated and in jail.”²⁷¹ Rector’s claim is typical of such moves that equate these “more likely” kids with absent fathers and failing mothers. And, so the logic goes, if we do not find a father for these children, or if there has not been a father in these children’s lives, there will be negative effects. The father’s absence moves beyond a financial obligation and to what Raymond Williams would call a structure of feeling²⁷² about the emotional and psychological lack experienced as fatherlessness. Here fatherlessness implies a series of neoliberal and neoconservative constitutive failures. Failed fathers are defined by absence. Failed mothers are defined by dependence. Failed families are defined by policies. And, children are marked as future failures by their presence in this mix.

This notion of fatherlessness brings us back to the paternity test as a test for paternal truth, as a means of addressing these failures, which is then mobilized on talk shows, court shows, as well as in policy and legislation to address the social, political, and economic dimensions fatherlessness. As discussed in Chapter 1, this test does indeed offer a scientific truth by determining the biological parent (father or mother) of a child. But within the texts I have examined, it is used to find father, the individual man; indeed, it is commonly referred to as a paternity test on daytime television. However, what becomes clear through the daytime television shows presented here is that the cultural

²⁷¹ *Welfare Reform Reauthorization Proposals: Hearing Before the Subcommittee on Human Resources of the Committee on Ways and Means of the U.S. House of Representatives*, 107th Cong. (Feb. 10, 2005) (statement of Robert Rector, Senior Research Fellow, The Heritage Foundation). <http://waysandmeans.house.gov/media/transcript/10106.html>

²⁷² Raymond Williams. *Marxism and Literature*. (Oxford: Oxford University Press, 1977).

logic of paternity is looking for *a* father. The paternity test provides the means to identify and resurrect the biological father. Once identified as such, this biological truth turns biological fathers into legal fathers who will then “be responsible” under the law for meeting the neoliberal goals of financial support and the neoconservative goals of assuaging the failures of fatherlessness as embodied by the “more likely” kids.

I argue that such discussions of “more likely” kids—discussions taking place on television talk shows and in Congressional hearings—are symptomatic of tensions and contradictions within the larger cultural logic of paternity. I borrow from Rhonda Hammer and Douglas Kellner when I say that this dissertation employs a diagnostic critique, which reads culture critically and “uses media culture to diagnose problems, hopes, fears, discourses, and social struggles current to the social moment.”²⁷³ Thus my use of media here highlights one site, daytime television, where the cultural logic of paternity maintains a strong presence. But, it is also this initial interrogation of media texts that pointed to larger issues of child support, needs, responsibilities, justice and welfare systems. Indeed, my approach could be considered Foucaultian in that I am investigating “how a given phenomenon came to be thought of in terms of a problem—how it was problematized.”²⁷⁴ Throughout this project, I examine media texts alongside legislative and policy texts and court opinions. Taken together, I argue that they give us insight to understanding this idea of “fatherlessness” in our current conjuncture.

And so, thinking in terms of a diagnostic critique, we can see how the talk show has been especially adept at transforming the abstract “more likely” kid of Rector’s claim

²⁷³ Hammer and Kellner, “From Communication and Media Studies Through Cultural Studies,” xxxv.

²⁷⁴ Bratich, Packer, and McCarthy, “Governing the Present,” 11.

into children with faces and with names. We see it on *Maury* when a man named Ryan is found not to be the father of Sarah's babies. Ryan says to her after the results are read, "I'm sorry. I hope you do find the father to these kids cause that's what matters today. It ain't about me, it ain't about you. It's about these kids having a father. I hope you find him."²⁷⁵ We also hear it from Nichole, who along with Brandon, was featured in Chapter 1. She says, "I'm scared that Brandon is not going to be there for us any more and they aren't going to have a daddy. I know what my kids are going through because I grew up not knowing who my father was."²⁷⁶ Indeed, Nichole's presence on the show speaks to her own status as a "more likely" kid of a failed father. She has grown up as a fatherless kid and has become a young single mother struggling to make ends meet. The fact of her mere presence on *Maury* speaks to her failure to form a self-sufficient family and that dysfunction can be rationalized by her history as a "more likely" kid.

These "more likely" kids haunt this dissertation as they haunt every reference to single-mothers, deadbeat dads, and fragile families. They are spoken *of* and *about*, and they can be conjured when necessary in attempts to prove their existence or to put a face to the failure of the future. In the case of Catonya, Eric and Jakeem from Chapter 3, we learn at the end of the show that Jakeem, who is 15-years-old, has been angry and troubled. And Judge Mathis makes it clear that he blames Eric for "playing with this young man's mind" and getting him "confused."²⁷⁷ Similarly, on an especially moving episode of *Judge Jeanine Pirro*, a young man named Adam is conjured from the dead.

²⁷⁵ "4 Men Tested... Will I Find My Twins' Father Today?" *Maury*, CW, WDCW, Airdate February 19, 2010.

²⁷⁶ "My Daughter Sleeps Around... You're Not Her Baby's Dad," *Maury*.

²⁷⁷ "Pittman v. Walker," *Judge Mathis*.

Adam's mother Denise has brought his father Melvin to court to sue him over Adam's funeral expenses. Melvin never legally acknowledged Adam and was in and out of Adam's life. At one point we see a picture of Adam and Judge Pirro says to Melvin, "We don't have to be on *Maury Povich* to figure that he looks like you."²⁷⁸ We learn that Adam was previously incarcerated on drug charges and died at 25 years old from a gunshot to the head, likely as a result of drug-related activity. At one point Judge Pirro asks Melvin, "Do you feel any remorse for not being a part of Adam's life?" Melvin responds, " Yes I do. Yes I do, but I was young at the time." At the end of the program, Judge Pirro has some particularly poignant words for Melvin:

Melvin you've got to deal with a couple of thoughts. You've got to deal with the fact that maybe if I'd have been there it might not have happened. I think that too often in our society that we have young men who are without a father figure. You called him your son, whether that was just something that you did because you were so taken with the disaster of what had just happened, I don't know. But that's for you in the quiet of the night to try to figure out."²⁷⁹

Judge Pirro's closing words to Melvin, here presented as a failed father, conjure Adam as the "more likely" kid Rector talks about whose future failure is taken to the extreme—he has no future, no possibilities, no existence at all. And, in a way, Melvin becomes the cautionary tale for all of us, with Adam's death being the worst possible outcome.

The absent father, the denying father, the fail(ing)(ed)(ure) father is often left with the opportunity to be a present father, to take responsibility, to take care of his children, to be a man (a successful father) and thus change the futures of these "more likely" kids. His resurrection remains possible until we hit a moment like this one with Adam where

²⁷⁸ "Tadeo v. Underwood," *Judge Jeanine Pirro*, Fox, WTTG, Airdate December 17, 2009.

²⁷⁹ "Tadeo v. Underwood," *Judge Jeanine Pirro*.

Melvin's responsibility no longer matters, save for his ability to pay for his share of Adam's funeral costs. For Judge Pirro, this should trouble Melvin "in the quiet of the night."²⁸⁰ At work here, as I have argued throughout this dissertation, is a cultural logic of paternity in which there is both a base financial assumption linking fathers to economically stable families (the political economic dimension of paternity), as well as something more, a sense that without fathers, children's psychological and emotional health will be negatively affected.

Thus, the primary lesson proffered by these mediated paternity narratives throughout this dissertation is that *kids need fathers*. But, as I have shown, this is not as simple an idea as it seems. For instance, while the resurrection of the father through the paternity test works to identify the *biological* father, we do allow his replacement with a willing *social* father, as is the case with Brandon, Nichole and Destiny. But idea that any man willing to father will do, whether he has a biological connection to the child or not, belies the search for a biological father to be responsible for children's needs and thus exposes a point of challenge to the cultural logic of paternity and the use of the paternity test. So I ask what happens if we remove the father as the variable and see what other kinds of futures might be possible for these "more likely" kids involved in a variety of non-traditional family forms. And, let me be clear, this is not to say that the presence of men in the lives of children is not valuable and desirable. Rather, I want to dissociate men as fathers (and women as mothers), to set aside the naturalized, presumed function of

²⁸⁰ This is part of the shaming process I discuss in Chapter 3. Judge Pirro suggests that this "should" trouble Melvin. Whether it actually does or not is never revealed.

fathers. mothers and the logic of paternity, to challenge Rector's "as we all know and on which there is complete agreement."

To that end, I return to the "best interest of the child" in relation to "more likely" kids. As discussed in the introduction, the "best interest of the child" refers to a legal concept used in connection with paternity determinations and child support awards (as well as custody, child abuse, termination of parental rights and other matters related to family law). It is a guiding doctrine in paternity cases to determine whether paternity testing and the establishment of biological paternity will be of benefit to the child.

As I have demonstrated in Chapter 2, it is almost always believed to be in the best interest of the child to determine paternity (so that they have a father, but also to ensure another financial resource for the child and to keep the child off of state healthcare and welfare systems). And thus, the test is mobilized by state welfare institutions for paternity establishment to determine a biological truth. The biological father is presumed to be the solution to keeping the child out of poverty and meeting the child's basic needs of clothes, food, shelter, and healthcare. But, at the same time, the father is also supposed to love and care for the child. The language of paternity establishment programs, discussed in Chapter 3, paints a romantic picture of father-child relationships based on biological connections. Still, my questions remain: Does using the paternity test to find the biological father in fact resurrect and reinsert "the father" into the family? And, if/when it does, are we getting the results we expected? Does the ritualistic reliance on this particular, "nuclear family" form—a form based on biology and heterosexual marriage—

erase other, possibly more appropriate, alternatives? Are we serving the best interest of the child? How might we change the futures of the “more likely” kids? This dissertation has revealed and examined (primarily in the discourse of television talk shows, but also circulating in policy and legal circles) a cultural logic of paternity, which elides such difficult questions in favor of a simple but relentless search for the biological father.

I conclude this dissertation, then, with a demystification of the political-economic dimensions of paternity. In doing so, I rethink some of the key terms in this dissertation in connection to the “more likely” kids. I believe we can rearticulate “best interests” determinations through a disruption and reconfiguration of the interpretations of needs, responsibility and justice such that they are not founded in the political-economic dimensions of paternity or even the larger cultural logic of paternity. Instead of resurrecting the father, I believe we can rethink needs, responsibility and justice in terms of the “queer art of failure.” What happens, in short, if we begin to question the cultural logic of paternity that kids *always* “need fathers”? What happens if we stop trying to resurrect the biological father in every circumstance and see what other options for meeting the needs of children might become apparent to us?

On Political Economy, Family Fortunes and Paternity

We’re all God’s children, and God is a woman. But we still don’t know who the father is. I can’t help thinking that there’s a fortune riding on the answer to that question.²⁸¹

²⁸¹ The Finn Brothers, vocal performance of “All God’s Children,” by The Finn Brothers on *Everyone is Here*, CDP 0 6700 30376 2, 2004, compact disc.

In 2007 we witnessed a media spectacle around the paternity of Anna Nicole Smith's daughter Dannielynn. The circumstances were tragic. Smith, after losing her son Daniel to a drug overdose three days after the birth of Dannielynn, was herself found dead in her hotel room in the Bahamas also from a drug-related overdose when Dannielynn was three months old. Four men claimed to be Dannielynn's biological father after Smith's death left Dannielynn's custody and care uncertain.²⁸² With a potential inheritance of millions of dollars, there was indeed a fortune riding on the answer to *this* question of paternity. An article in *People* framed Dannielynn's paternity story in this way:

The *coveted prize* is a delicate thing: Smith's baby daughter Dannielynn. The name Howard K. Stern is on the girl's birth certificate, but in Anna Nicole Smith's final months, she and Stern fought off a demand for a paternity test by her former boyfriend Larry Birkhead. And in a nearly unbelievable twist, Zsa Zsa Gabor's husband, Prince Frederic von Anhalt, is claiming the child might be his. Of course, whoever ultimately assumes responsibility for Dannielynn may also share in the *fortune* that Smith went all the way to the Supreme Court to claim and was still fighting for when she died—a share in deceased husband J. Howard Marshall's estate, estimated at \$1.6 billion.²⁸³

Dannielynn's paternity drama provides a stark contrast to the “more likely” kids of daytime television. She came with a fortune and had four men clamoring to be her father, to take care of her. The “more likely” kids of daytime television and welfare legislation, however, come with no such fortune. Indeed, they can cost a fortune. For this reason, perhaps, it should not surprise us that many of these daytime television programs feature men seeking paternity tests to disestablish paternity and protect their “fortunes” (“I’m not

²⁸² Michelle Tauber, Richard Jerome, Jill Smolowe, and Bob Meadows, “The Mysteries She Left Behind,” *People*, February 26, 2007, <http://www.people.com/people/archive/article/0,,20062798,00.html>.

²⁸³ Tauber, Jerome, Smolowe, and Meadows, “The Mysteries She Left Behind,” Emphasis mine.

a sucker,”²⁸⁴ “trying to take advantage of a hard-working guy like me,”²⁸⁵ “I’m not gonna spend money on kids that aren’t mine,”²⁸⁶ “one thing I refuse to do is sit back and take care of another man’s baby,”²⁸⁷ and of course Harry’s “I refuse to take care of any of these babies, because none of them are mine”²⁸⁸). And while there are a number of men on daytime television shows who do want to be fathers (like Brandon), there are more men who have no desire to be a father, emotionally or financially, and would do so reluctantly.

The “more likely” kids are thus the kids of the 99%. They are the anti-Dannielynns, represented in spectacular fashion by those who could be seen daily on daytime television; fatherless, unwanted, the likely future “failures,” predestined to cost someone some money (be it individual fathers or taxpayers and always mothers). And how much money will they cost? The 2010 annual report “Expenditures on Children by Families” shows that families spend anywhere from \$8,480 to \$23, 690 a year per child (variables here include number of children in the household as well as single-parent families and “husband-wife”²⁸⁹ families). Over the course of these children’s lives, families should anticipate spending \$206,180 at a minimum, with middle-income families averaging \$286, 860.²⁹⁰ No doubt, children cost money. They need food, clothing and

²⁸⁴ “1 Man. . . 2 Sisters. . . Is He The Baby’s Dad?” *Maury*.

²⁸⁵ “We Saw Corrie on Maury... Test Him, He’s Our Babies’ Father” *Maury*.

²⁸⁶ “4 Men Tested... Will I Find My Twins’ Father Today?” *Maury*.

²⁸⁷ *Ibid*.

²⁸⁸ “I Had Sex With My Mom’s Boyfriend! Is He My Baby’s Father?” *Maury*, CW, WDCW, Airdate February 3, 2012.

²⁸⁹ The “husband-wife” designation is used throughout the report and there is no rationale provided for the use of that term instead of two-parent or two-income families. I will be exploring this in a future project.

²⁹⁰ Mark Lino. Expenditures on Children by Families. U.S. Department of Agriculture. Center for Nutrition Policy and Promotion. Miscellaneous Publication No. 1528-2010. 2010. iv. The report notes that

shelter at the very least. And it is the logic of paternity working in tandem with neoliberal and neoconservative rationalities that work to determine who is responsible for “paying for” these children.

It is this “paying for” that marks the political economic dimensions of children’s care such that the various responsibilities for children’s care are gendered. Mothers are “caring” and fathers “take care of.” I argue in Chapter 2 that these are different types of responsibilities, where fathers are responsible for financial support primarily. Indeed, in Maryland’s paternity establishment informational video *The Gift of Parenthood*, the host tells us, “From child support to providing basics like health insurance and life insurance, these are everyday ways parents say I won’t let you down.”²⁹¹ Mothers, on the other hand, are responsible for nurturing, emotional care-giving, and bodily care of children, reproductive labor. Given these two (gendered) modes of caring, it should not be surprising that the neoconservative response to the “fragile family” (besides first labeling it as “fragile”), represented by single-mother households (framed as mother-failures), is to encourage *marriage*—a call which neatly shifts the responsibility for meeting children’s needs from the state to the presumed “foundation of the economy,” the “strong” and “self-sufficient” family. And so the political economy of paternity first requires the father’s resurrection.

However, there are challenges already existing to programs seeking to resurrect and reinsert fathers into the family, such as marriage promotion programs. Aside from the

contributions made by people outside the family or the government are not included. Indirect costs of child-rearing such as “time costs, foregone earnings and career opportunities” are also not included.

²⁹¹ “The Gift of Parenthood,” Maryland Department of Human Resources.

important arguments against marriage promotion programs in the context of domestic violence, there are those who dispute the economic argument that marriage produces economically stable families, thus raising questions about whether marriage promotion programs are a misuse of federal resources.

For instance, Lisalyn Jacobs from the women's advocacy group Legal Momentum points to studies that challenge the logic of paternity and marriage promotion. In her written statement submitted during hearings on welfare reauthorization, she argued, "In fact, the approach to marriage advocated by H.R. 240 has it backwards. Economic security is more likely to lead to successful marriage than is marriage likely to lead to economic security."²⁹² In addition, she makes some crucial arguments that are relevant to disrupting the political economy of paternity. Jacobs writes:

The reasons that women, more than men, experience an economic downfall outside of marriage include: primary care giving responsibility for children which—without attendant employment protections and due to lack of quality, affordable, accessible child care—makes unemployment or underemployment inevitable; discrimination in the labor market; and domestic violence. Without addressing the factors that keep women from being economically self-sufficient, marriage and family formation advocates are merely proposing to shift women's "dependence" from the welfare system to marriage. That certainly does not promote individual responsibility, nor is it a policy solution for genuine, reliable, economic security.²⁹³

²⁹² *Welfare Reauthorization Proposals Hearing. Before the Subcommittee on Human Resources of the Committee on Ways and Means, U.S. House of Representatives*. 109th Cong. 109-5 (2005) (statement of Lisalyn R. Jacobs, Vice President for Government Relations, Legal Momentum). Jacobs went on to out that "the outcomes of the Minnesota Family Investment Program (MFIP) support this conclusion. MFIP reached welfare eligible single and two-parent families and focused on participation in employment services for long-term welfare recipients combined with financial incentives to encourage and support work. These work supports include child care, medical care, and rewarding work by helping the family to develop enough earning power to survive financially without cash assistance before cutting off their benefits."

²⁹³ Jacobs, *Welfare Reauthorization Proposals Hearing*.

Here Jacobs challenges the definition of dependency and works to refocus questions of “needs” using the language of neoliberalism itself (“self-sufficient,” “individual responsibility,” and “dependence”). Indeed, one of the tensions that emerges here is that it is not necessarily single women who are more likely to live in poverty or near poverty; it is single women *who are also mothers* who are the ones experiencing this “economic downfall.” And so, when we think about meeting the best interests of the child, we must also think about meeting the needs of the women *who are also mothers* so that they can sustain the financial and emotional needs for themselves as well as their children.

What Jacobs points to is that we do not factor the amounts of time, energy and emotion that a custodial parent invests in their child into the “costs” of raising children, the investment of a parent’s reproductive labor. These needs are the care-giving labor performed most often by mothers, and framed as natural obligation or duty, that remains unacknowledged when determining child support. As I discussed in Chapter 1, we need to think of child support as something more than a basic financial obligation. If we listen to the mothers on the daytime television paternity narratives, we hear them asking for help beyond simple financial assistance. They are asking for help in terms of care-giving labor. We can remember April’s insistence, “I didn’t make her on my own. I’m not gonna raise her on my own.”²⁹⁴

One of the more touching examples of this yearning for care-giving help comes from Shannon Abbott who is suing her husband David Abbott for sports fees and equipment for their two kids. David has left the family for another woman and admits to

²⁹⁴ “The Wildest, Most Memorable *Maury* Guests,” *Maury*.

“having DNA on six kids”²⁹⁵ from at least 2 other women. Shannon believes he has 12 or 13 kids. David is marked as a Deadbeat Dad. Early in the episode Shannon says, “I don’t ask him for nothin’. I don’t ask him for anything. I don’t want his money. I just want him to pick the kids up when he’s supposed to.”²⁹⁶ At the end of the episode Shannon says through tears, “I can’t be the father. I can’t do stuff that you do with him. I can’t do that any more...I can’t do this by myself. It is too hard. It’s not free raising them. I can’t do this on my own...I can’t. I need your help. You’ve got to change. You’ve got to do something.”²⁹⁷ Shannon is speaking to the kinds of resources that financial child support cannot offer and for which a political economy of paternity cannot account. But even Shannon herself relies on the logic of paternity, the logic that *kids need fathers*. She cries because she believes her children need time and attention from David more than money; that her children are being harmed; that they are being marked as “more likely” kids. And yet, David seems reluctant to change and seems to hold all the cards. He has the choice to “step up” and “be a man.” But we are left with the impression that he will not.

The distinction between Shannon and David is that Shannon appears willing to do just about anything for her children to help shape and mold a successful, healthy future. David, on the other hand, does not have this same sort of investment in his children. What we have here is governmentality at work. The cultural logic of paternity positions Shannon first and foremost as a mother. Thus, she is charged not only with the care of the children but also with facilitating a relationship between her children and David. Ideas

²⁹⁵ “Abbott v. Abbott,” *Divorce Court*, FOX, WDCA, Airdate January, 14, 2010.

²⁹⁶ “Abbott v. Abbott,” *Divorce Court*.

²⁹⁷ Ibid.

about fatherhood and fatherlessness inform the interactions between Shannon and David. Meanwhile, David as a Deadbeat Dad serves as a constitutive failure. His failure reifies what “good” fathers should be and gives Judge Toler reason to shame him.²⁹⁸

The political-economic dimensions of paternity provide the rationale for the marriage promotion programs endorsed by neoconservative rationalities. And yet, in the case of Shannon and David, we can see how and why marriage promotion programs might in some cases be problematic. First, David acknowledges children by at least two women other than his wife. So his commitment to marriage is already suspect, to say the very least. Second, which woman would have the good fortune of having David for a husband? Which mother and child(ren) get the benefit of his reinsertion as a father into their family? Although, to be sure, we should be careful about drawing too many conclusions about cases drawn from the spectacle of television talk shows, stories like Shannon and David’s (and many others like it) reminds us that, in some situations at least, searching for the biological father may in fact do kids more harm than good.

Further, Shannon does not want him back at this point (although she says she had tried to work things out because she didn’t want her kids “to come from a broken home”). Still, she has taken it upon herself to facilitate the relationship between her children and David as well as to try to fill-in for David in traditionally father-like roles such as coaching their son’s T-ball team. Indeed, the cultural logic of paternity can, via the paternity test, resurrect a biological father, and this resurrection can, via the justice system, lead to a check in the mail, but his actual physical and emotional reinsertion into

²⁹⁸ Toler’s shaming of David is a good reminder of this form of punitive punishment. I quote it in-full in the next section.

the family proffered by neoconservative rationalities remains a complicated endeavor, particularly as dramatized in the mediated space of the programs examined here. This said, the neoliberal (as opposed to neoconservative) rationality behind the political economy of paternity does not, in the end, require his physical or emotional presence, so long as his financial obligation is met and the taxpayers left unmolested. And yet, we are left with Shannon's insistence that she doesn't need or want his money. She needs his help.

I return to the song lyric above, "We're all God's children, and God is a woman, but we still don't know who the father is. And I can't help thinking there's a fortune riding on the answer to that question." What sorts of fortunes are riding on the answer to the question of paternity? Throughout this dissertation there are links to the economic dimensions of paternity in the texts and discourses I examine. Part of the goal in this dissertation has been to connect these economic dimensions by bringing forward the linkages between them. I argue we can see the "fortune" manifest on several different levels.

First, the question of paternity is often inseparable from economic advantage and/or disadvantage for children, mothers and fathers. Initially we need to situate the paternity test in relation to the notion of reproductive labor. Under the cultural logic of paternity and the corresponding search for the biological father via the paternity test, mothers and children in single-parent families stand to gain from the determination of

paternity and the subsequent awarding of child support.²⁹⁹ And if mothers and children are perceived to have gained, then fathers are perceived to have lost (the fortune). But this gain/loss comes at the cost of continuing to position the mother as fixed and the father as flexible. This dynamic is presented as a “gain” for women and thus has the consequence of suppressing, or making seeming irrelevant, the need for considering alternate ways to support children and their parents. Indeed, this perceived gain is only possible if we continue to position women as mothers *against* men as fathers. We see this over and over again on daytime television. And yet, Shannon’s pleas for non-financial help, like so many others, point to a crack in this logic. There are needs which money cannot address. These needs can only be met with time, effort, and compassion.

Second, the fortune is considered when general citizens stand to gain by not having their taxes put towards the support of someone else’s “responsibility.” This becomes especially apparent in the discourses mobilized around recent welfare legislation and child support enforcement policies. The search for the biological father is linked to protecting the “fortunes” of the taxpayers from being used to support other people’s children.

Finally, the commodification of the paternity test itself creates industries such as DNA testing labs as well as government policies whose very foundation relies on maintaining and reifying the question of paternity as completely natural, valid, and even desirable (despite the various and sometimes unhappy outcomes of these policies). It

²⁹⁹ Although it is increasingly more likely that the child support paid by fathers is actually used to replenish welfare coffers for children on welfare. In these cases, only a fraction makes it to the children and their mothers.

relies on promoting a form of family that necessitates the continuation of unpaid, maternal reproductive labor. In each of these instances, the political-economic dimensions of paternity work to suppress and erase ways of thinking about relationships between women, men, children, communities and the state, which may genuinely put forward the best interests of the child. And so, part of the goal of this dissertation has been to demystify these political-economic dimensions, to make their constructedness and contingency visible so that we can then think about how to begin constructing other ways of defining and meeting the needs of children and their care-givers. We can then begin to create different sorts of futures for “more likely” kids.

On Fortunes, Fortune-Tellers and Unlikely Futures

We’re all God’s children, and God is a woman. But we still don’t know who the father is. I can’t help thinking that there’s a fortune riding on the answer to that question.³⁰⁰

Now, I want to again return to the idea of “a fortune riding on the answer to that question.” But this time I want to think of the word “fortune” more as a prediction than something signifying a monetary amount. The fortune-tellers—the scribes of TANF legislation, the think-tank academics, the patriarchal authority of daytime television—have all predicted the future for these “more likely” kids. Drawing on the cultural logic of paternity, they foretell tragic outcomes for kids “without fathers,” and use the technology of the paternity test to reintroduce biological fathers into the lives of children and mothers. We should ask, however, if this one-dimensional solution—the resurrection

³⁰⁰ “All God’s Children” Finn Brothers.

and reinsertion of the biological father—has effectively addressed the material and emotional needs of actually existing children and their care-givers.

Answering this question is clearly beyond the scope of this dissertation. Instead, the purpose of this research has been to examine how the paternity test has been used to articulate particular cultural and political understandings of fatherhood, motherhood, and families. Still, when thinking about the material and emotional consequences of the cultural logic of paternity, the spectacle of paternity testing on daytime talk show and court shows does at least cause one pause. Indeed, it is difficult to watch these programs without getting the sense that at least in some cases, for some families, the inherent complexity of family relationships and the constant pressures of everyday life under neoliberal capitalism may quickly undermine whatever utility there may be in identifying and reintroducing a biological father.

To be sure, these personal narratives are chosen by talk show producers precisely *because* of their messiness. But at the same time, these narratives do at least give us a view into how varied, complex, and full of strife family life can sometimes be. People can be stubborn, selfish, irrational, and resistant to authority. They sometimes do not play by the rules. And, beyond this messiness, we find that care-giving cannot be coerced. You cannot force a biological father to be a social father/care-giver. Indeed, this is a key point that becomes apparent through the repetition of paternity scenarios on talk shows and court shows. In the instances where a biological relationship is confirmed, we are still left to wonder whether this child's life will be materially and emotionally improved by

resurrecting the father. The interpersonal relationships are fraught with animosity, suspicion and ambivalence.

We see this complexity and ambivalence with particular clarity in a *Judge Mathis* episode where Paula Monroe is suing Khamal McCalop for unpaid child support.³⁰¹ Khamal is countersuing for harassment since Paula had their son call him to tell him another man is his father. Not surprisingly, Khamal has also asked for a paternity test. During the course of this episode we hear allegations from both sides of abuse, infidelity and violence (she took a hammer to his car). We learn that during their relationship Khamal was incarcerated. Paula calls Khamal a “deadbeat” and he, in turn, says “she’s playing games.” When Khamal’s current girlfriend is asked to testify, she tells of how Paula one night sat outside their home for 20 minutes just spitting on Khamal’s car. At one point, Khamal says, “I understand that I owe the child support. But I’ve never said that this kid wasn’t mine, I’ve taken care of my son since day one.” But his ability to pay has been hampered by his felony record and his attempts to seek a modification have been stuck in the family court system. He goes on to say, “This is a classic example of how a lot of men get brought right into the system and owe on paper, but the system don’t be on the streets with this one [points to Paula Monroe, laughter from the gallery]. The system don’t be on the streets with this one. They don’t know what I go through.”

For her part, Paula does not come off as a likable person, and it would not be hard to imagine that she would go out of her way to make life difficult for Khamal. But the surprise that comes at the end of the show is that the boy is not Khamal’s biological son

³⁰¹ “Monroe v. McCalop” *Judge Mathis*, CW, WDCW, Airdate April 30, 2010.

after all. Khamal replies, obviously upset, “She’s been harassing me since 2005 your Honor for something that ain’t even mine. I’ve got a big tattoo on my arm that says ‘my son is my world’ and it ain’t even my kid. That’s all he knows is me. All he knows is me!”

This situation is a mess, and the boy is stuck right in the middle of it. In a system that is designed to encourage marriage, to keep parents together, the mobilization of the paternity test seems as likely to break families up as much as form “functional” families. This program prompts us to consider at what moment did “my son is my world” become “something that ain’t even mine.” This transition makes sense if we situate it under the cultural logic of paternity (a logic which privileges biology and financial responsibility) but how does one explain that to a seven-year-old boy?

What I have alluded to above and what I want to tease out a bit here are questions of justice in relation to the logic of paternity. Too often the logic of paternity puts children in situations where there are competing claims to/for justice. Mothers seeking retribution for “deadbeat” fathers. Father’s seeking retribution for “lying and conniving” mothers. The law is mobilized by the state to ensure both mothers and fathers conform to their prescribed responsibilities (fathers must pay, mothers must be caring and cooperative), often positioning each parent’s claim in opposition to one another. Each stakes a claim to justice/fairness. In the case of Khamal and Paula from above, Judge Mathis encourages Khamal to sue Paula for all the money he’s put towards the boy in both child support and gifts. And in the same moment he tells Khamal that he should still be a “father figure” to the boy. But, there can be no justice for the child here. The cultural

logic of paternity would have us say that “at least he can find his ‘real’ father.” But this is insufficient. Just by privileging the biological father, one cannot erase the relationship between the boy and Khamal. Asking the question of paternity and searching for the biological father always already risks destroying the only fatherly relationship this boy has ever known. Thus, I argue paternity test can be mobilized to aid in the erasure and devaluing of other forms of parenting by men by privileging the biological fathers.

So here I want to point the way toward future research questions which can further interrogate the cultural logic of paternity. To do so, I want to return to Halberstam’s “queer art of failure” from Chapter 3. She writes, “The queer art of failure turns on the impossible, the improbable, the unlikely, and the unremarkable. It quietly loses, and in losing it imagines other goals for life, for love, for art, and for being.”³⁰² The texts examined in this dissertation prompt a series of questions in connection to failure: What if we allow the logic of paternity to fail? What if we find that sometimes fathers fail and sometimes mothers fail, but this relentless search for the biological father and this ritualistic privileging of the nuclear family form merely shifts responsibility for the well-being of children from the state onto individual families with or without present fathers? If we give up the singular focus on resurrecting the father, then how might we turn these “more likely” futures into “unlikely” futures? How might we start to account for the messiness of life when working to determine a child’s needs as well as who is responsible for meeting those needs? And what if, in answering these questions, we find that kids do *not* “need fathers” *or* even mothers? How might we define and meet the needs of children

³⁰² Halberstam, *The Queer Art of Failure*.

if we do not assume the father's privileged position? How might we rethink parenting in terms of care-giving instead of biology? In short, what possibilities for families and kids lie beyond the cultural logic of paternity?

Such questions are beyond the scope of this dissertation, yet they could richly inform future research in this area. These questions challenge because they ask us to “untrain ourselves so that we can read the struggles and debates back into questions that seem settled and resolved.”³⁰³ I suggest Halberstam's notion of failure is a starting place because it counters the neoliberal logic of “if at first you don't succeed, try, try again.” The queer art of failure suggest we stop “trying again” and see what happens—all sorts of possibilities might open up for the creation and development of new family forms, support networks, and identities. Indeed, a turn to Queer Theory has productive potential for rethinking the family in these ways.³⁰⁴ As Halberstam argues, “Queer studies offer us one method for imagining, not some fantasy of an elsewhere, but existing alternatives to hegemonic systems.”³⁰⁵ So, with this turn to Queer Theory in mind, what might our response be to the failed promise of paternity in regards to justice, needs and responsibilities?

Theoretical Coda: “For an ideology to be hegemonic, it is not necessary that it be loved. It is merely necessary that it have no serious rival”³⁰⁶

Through this dissertation I demonstrate how the cultural logic of paternity is indeed a hegemonic logic, and it is hegemonic in part because there is no serious

³⁰³ Ibid., 11.

³⁰⁴ Thank you to Michael Lecker for pointing me in the right direction here.

³⁰⁵ Ibid., 89.

³⁰⁶ Colin Leys cited in Jamie Peck, Nik Theodore and Neil Brenner, “Postneoliberalism and its Malcontents,” 103.

alternative logic with enough power and resources to challenge the cultural logic of paternity. We cannot see beyond, around, through, outside of the idea that kids need men as fathers and women as mothers. While certainly works such as Wittig's *The Straight Mind*, Hennessy's *Profit and Pleasure*, and Halberstam's *Queer Art of Failure* challenge the binaries of man/woman, fathers/mothers, and straight/queer, there still remains a lag in making these challenges visible and alternatives realizable. It is my hope that this dissertation moves us in a direction where we can locate, create and offer alternatives to the logic of paternity. And, so I proffer the following ideas as contributions to the field of cultural studies as well as gender studies and media studies.

In my introduction to this dissertation, I highlight the key contributions this project makes to an understanding of the paternity test and the field of media/cultural studies. The first contribution is the study of the paternity test itself. There remains scant research on the test from a critical media/cultural studies perspective, which is surprising since this is a technology that is used to help structure relations of gender, class, bodies and policies. Further a demystification of the test as a scientific and legal object provides an opportunity to challenge the cultural logic of paternity. Within work on daytime television talk shows and court shows, the test is not examined as a key element on these programs. Indeed, the uses of technologies of truth, such as the paternity test, the lie detector test, and the pregnancy test, are an area ripe for examination. And yet, this gap remains. I bring to light the productive possibilities of interrogating such technologies of truth both within the media, but also across the socio-cultural landscape including legislation, welfare programs, and the justice system. We need to ask how they are being

mobilized? By whom? And to what ends? In doing so, we will work towards firming up alternatives to the cultural logic of paternity.

I also argue that one of the most important challenges we can make to the cultural logic of paternity is to challenge the political economy of paternity. This is the neoliberal variant of the logic that translates fatherhood into financial terms and assumes the reproductive labor of women as mothers. It is the code that translates the idea that being responsible means “so we don’t have to pay for your child” and reduces needs to financial resources. In order to understand and uncover this political economy of paternity, I rely on a theoretical framework that connects micro-level experiences, albeit spectacularized, with macro-level structures.

Using feminist social theory, I engage with issues such as patriarchy as it plays out through the particulars of everyday life for men and women on the talk shows and court shows, but also how patriarchy is operationalized through a neoconservative logic of paternity that sets the stage for policies and programs at the national level like PRWORA and DPPA. Pulling a historical materialist strand, I demonstrate how patriarchy is a mediating ideological formation between the structural relations of capitalism and people’s everyday experiences of capitalism. It is here where I develop the fixed/flexible model. I argue that fathers are most often aligned with the flexibility of capitalism and mothers are most often aligned with the moment of capitalism’s fixity – the exploitation of labor.

However, what became clear to me is that this is not a model that allows for transcendence outside of the logic of paternity. Rather, it is a model that most often

serves more as an exclamation point to the structural and personal moments of flexibility and fixity I uncover. The fixed/flexible model does not account for wage labor as *also* exploited labor and so, works primarily within a neoliberal logic where dependency (a fixed position) is only imagined as dependency on the state, not on dependency to wage labor. I do find the model useful to point to these moments of contradiction within the logic of paternity. What I find is that the cultural logic of paternity works to fix both women and men as mothers and fathers.

Governmentality is other theoretical model employed throughout this dissertation and works in concert with my critique of the political economy of paternity. This Foucaultian model offers us the lens through which we can see changes in discourse and discipline, and how these discourses create subjects as well as legitimate certain forms of knowledge and power. For my purposes, I am interested in the theory of governmentality for its ability get us thinking about governance—modes of conduct not explicitly enforced by the State, but rather guided by “multiform tactics.” In this way, we can see families as existing both within the public and private spheres.

What proved interesting during the course of this dissertation was that much of the work on governmentality examines and critiques neoliberalism and neoconservatism, but tends to do so at the macro or population level, examining things like the operation of public agencies or welfare programs, risk assessments, free-trade agreements, banking institutions and the financial crisis. For my part, I am contributing to an analysis of neoliberalism and neoconservatism on a more intimate, but I argue no less important scale. As I argued in the introduction, Foucault privileges the family as a

site of information collection and information dissemination—yet the critique of neoliberalism has placed relatively less attention on how the family operates as a site for the promotion and reinforcement of neoliberal and neoconservative rationalities.

For this reason, this dissertation has attempted to bring the family into focus as a site of subject formation as well as social regulation under neoliberalism. To be sure, over the last decade, there have been studies that examine at the intersection between neoliberalism, neoconservatism, and the family, and I have referenced them throughout this dissertation. I therefore view my work here as contributing to this emerging line of work that has collectively begun to address the “family” gap in governmentality research on (and critique of) neoliberalism.

Of course, more work needs to be done to unsettle the cultural logic of paternity. And this work includes further analysis of welfare policies, of criminalization measures and of how needs and responsibilities are defined for men, women and children. Indeed within this dissertation, there is an absence around the emerging concept of paternity fraud. In Chapter 3, I discuss the punitive measures used to define and punish “Deadbeat Dads,” but more recently, there has been a push by father’s rights movements to make “paternity fraud” a crime of perjury. The state of Vermont already has a “paternity fraud” law on the books that makes misattributed paternity potentially punishable by up to two years in jail and/or a \$5000 fine. The law reads, “A person who knowingly and intentionally alleges that a person is the biological father of a child when such person knows the allegation to be false shall be imprisoned not more than two years or fined not

more than \$5000, or both.”³⁰⁷ In 2009 and 2010, New York State had a similar bill under consideration during their legislative sessions, although it never made it out of the judiciary committee. The stated goal of this bill is “to prevent and provide remedy for the act of intentional paternity fraud.”³⁰⁸ The justification of the bill suggests that paternity fraud is “psychologically devastating” to the men and the children they are raising. In the instance of “dead-beat dads” and “paternity fraud,” justice takes a punitive slant. Here, justice is tied to punishment and seeking retribution for harm. The stories behind these paternity fraud laws have yet to be told.

In addition, more work needs to be done to trace the material consequences of social policies based on the cultural logic of paternity. The next step to this project would then be to explore whether the paternity policies in PRWORA such as CSE and the ways these policies are operationalized through marriage promotion and paternity establishment programs have benefited and changed the futures of “more likely” kids. For example, a newly released study from Mathematica on a pilot marriage promotion program finds that the program did not meet its anticipated primary and secondary goals or outcomes almost across the board. The program did not result in more marriages; it did not result in greater economic stability for families; it did not result in more families exiting welfare; and it did not result in stronger father-child involvement or co-parenting.³⁰⁹

³⁰⁷ VT H-735, <http://www.leg.state.vt.us/docs/2002/bills/intro/H-735.HTM>.

³⁰⁸ NY A02977, http://assembly.ny.gov/leg/?default_fld=&bn=A02977&term=2009&Summary.

³⁰⁹ Robert G. Wood, Sheena McConnell, Quinn Moore, Andrew Clarkwest and JoAnn Hsueh, “The Effects of Building Strong Families: A Healthy Marriage and Relationship Skills Education Program for Unmarried Parents,” *Journal of Policy Analysis and Management* 31, no. 2 (2012): 228-252.

My examination of men and women as fathers and mothers is also an examination of the creation of neoliberal subjects of value, the necessary subjects of capitalism. While the subject of value has been defined as the laborer, I posit that fathers and mothers are also subjects of value under American neoliberalism. Indeed, as Wendy Brown suggests, “Foucault theorized a subject at once required to make its own life and heavily regulated in this making—this is what biopower and discipline together accomplish, and what neoliberal governmentality achieves.”³¹⁰ The question remains whether and how do we get outside of a cultural logic of paternity? Part of the answer involves understanding governing of the “conduct of conduct” in relation to men and women constructed as fathers and mothers.

But, as I argue above with the “more likely” kids, we can offer a serious rival to the hegemonic cultural logic of paternity. And this rival can be found in failure. What would it mean if there was no concept of father or mother? The challenge here is not the theorization of such things as we’ve been doing that for decades. The challenge here is to look to the particulars, the moments of conflict, contradiction and failure as openings to offer new logics around ways of being, thinking and doing in relation to the concept of parenting and best interest of the child. Of course we need to have our theoretical grounding, but we also need to be ready with the “serious rival” when the opportunity presents itself.

³¹⁰ Brown, “American Nightmare,” 705.

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