Power, Knowledge and the Discourse of "Paternity Fraud"

Lyn Turney, Australian Centre for Emerging Technologies and Society, School of Social & Behavioural Sciences, Swinburne University of Technology
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Lyn Turney, Australian Centre for Emerging Technologies and Society, School of Social & Behavioural Sciences, Swinburne University of Technology

Abstract

In the first Australian study of its kind, paternity testing was shown to have the overwhelming support of the general public.* However, the use of paternity testing without the knowledge of the mother, or "motherless testing" was found to be more controversial. Through the analysis of a series of focus groups conducted as a follow up to the national monitor of public opinion on attitudes to new technologies, including DNA paternity testing, this paper examines these controversial attitudes to paternity testing in more depth. The results suggest that public attitudes are informed by media generated knowledge based on high profile cases of disputed paternity, such as in 'misattributed paternity' and 'paternity fraud'. Through an analysis of the focus group data, the paper traces the construction of a discourse around "paternity fraud" and assesses its currency in public opinion. Finally, the discursive practices enabled by this shift in public understanding are examined in light of the corresponding decline in support for paternal obligation.


Keywords: Paternity Testing, Paternity Fraud, Misattributed Paternity, Public Attitudes, Men's Rights, Paternal Obligation, Child Support

Knowledge is produced through discourse (Foucault 1991). Discourses are power laden understandings of the world in which explanation has coherence, logic and truth that comes to be accepted as reality (Foucault 1991; Gordon 1980; Schilling 1993). Discourses comprise the common sense knowledge which gives meaning to ideas; they are both the justification and rationale for everyday practices and they shape and maintain social institutions. The stories, narratives or accounts we tell about the world enable us, not only to understand the world, but also to change it. However, discourses can also disqualify alternate accounts of social reality, thus privileging and preserving particular distributions of power (Smart 1989; Turner 1987). This paper traces the influence of an emergent discourse, embodied in the notion of "paternity fraud", as an enabling mechanism for fathers’ rights activists to effect social change. Through the analysis of a series of focus groups conducted as a follow up to a national monitor of public opinion on attitudes to new technologies, including DNA paternity testing, 1 this paper reports the way men’s rights activists frame the discourse of “paternity fraud” as a rationale for private access to DNA paternity testing. It then examines the extent to which this discourse is taken up by the general public in their understandings of the social relations of paternity testing. It also investigates the discursive impacts of this shift, particularly in relation to paternal obligation.

There are several scientific and social developments that have escalated interest in and the uptake of DNA paternity testing technology. The first is the mapping of the human genome and the resultant development of cheap, efficient genetic profiling techniques, which have been made quicker, more accurate2 and more accessible with the use of new information and digitising technologies. The second is the commercialisation of DNA paternity testing when companies began marketing testing, including controversial online services, direct to the public. Since then there has emerged a growth industry in DNA paternity testing.3 Other recent trends have coincided to create a context where the verification of genetic paternity has become desirable. Specifically these are in relation to paternal establishment and Child Support Policy; the rise of the fathers’ rights movement; the incidental medical discovery of “misattributed paternity”; and the interplay between media interest in intimate relationships and a corresponding recognition of a “niche market” on the part of biotechnology entrepreneurs.

1 I would like to acknowledge the valuable contribution of other members of the research team: Associate Professor Michael Gilding; Dr Christine Critchley; Lisa Bakacs; Kerrie-Anne Butler; and Penelope Shields.

2 99.9% accuracy is claimed by testing companies, for example Genetic Technologies ([2002]).

3 Paternity testing is a relatively simple test based on matching banding patterns on samples from at least two people to establish or rule out genetic relatedness. On-demand private testing is possible because tests can be conducted on easily collected oral swabs, skin tissue or hair root samples and sent anonymously, or with minimal personal details, to laboratories for matching.
From Wife Desertion to Paternal Establishment and “Paternal Obligation”

From the beginning of Australia’s early colonial history policymakers and social reformers have expressed anxiety about male abandonment of women and children. Men, compelled to find work outside of cities or overwhelmed by the burden of additional children, left their families and frequently failed to return (O’Brien 1988 in Gilding 1991). Government reform programs, centred on the male breadwinner, have a long history and an enduring legacy (Twomey 1997). In the first instance, the State took on responsibility for the support of convict mothers and their children (Deacon 1985). However, in 1840 the New South Wales Government passed legislation to enforce paternal responsibility, thereby divesting itself of its obligation to deserted wives and children (O’Brien 1979). Though this established the wife’s right to maintenance from her husband, in practice it was rarely enforced (1979). In the 1850s and 1860s gold-rush era, when tens of thousands of men deserted their wives and children, policymakers sought (unsuccessfully) to resolve the dilemma through land reform and the provision of rural allotments to male breadwinners as an inducement to keep their families together (Twomey 1997). However, in the ensuing decades men continued to respond to financial difficulties with desertion and, by 1891, the government statistician estimated that one in twenty married women in New South Wales were deserted (Gilding 1991).

Further, under common law the father was the legal guardian and a married woman had no right of custody over children of the marriage (Radi 1979). Unsurprisingly then, the enactment of divorce law in 1873 meant that few women took advantage (O’Brien 1979). This was the case even when the Act was amended to centralise desertion as grounds for divorce in the Deserted Wives and Children Act 1873. Change awaited the Married Women’s Property Act 1898 which prevented men from returning after a prolonged absence and appropriating the wife’s possessions. After this, a number of women did instigate divorce (O’Brien 1979). However, the mother’s custodial status remained tenuous until the passage of the Guardianship of Infants Act 1934 which removed the superiority of the father’s guardianship rights that had been enshrined in common law (Radi 1979).

The construction of the dependent woman housewife in 1910s and 1920s, reflected in official census data, underpinned policy initiatives in public housing for the idealised nuclear family unit and in social welfare legislation in the form of the family wage (Bryson 1992; Deacon 1985; 1989). Both enshrined dependency status for women, coupled with economic insufficiency. The 1940s introduction of the widows’ pension, though highly stigmatised, provided some relief for deserted mothers and their children. However, the introduction of no fault divorce in the 1970s and the subsequent decline in the nuclear family left policymakers in western societies again concerned about the financial and social cost of large numbers of State dependant, “fatherless children”. In response, they became more demanding in relation to paternity establishment and paternal obligation for non-marital children (Millar and Whiteford 1993). Mandatory payment of Child Support was introduced as a social policy initiative in Australia in the 1980s, with payment extracted through the taxation system where non-resident parents did not voluntarily contribute to the support of their offspring (Edwards 2001). Within this policy context fatherhood, both in and outside of marriage, was clearly defined in terms of procreation and blood ties, privileging biological and material dimensions over social relationship and parental commitment (Haney and March 2003). Under the Family Law Act 1975, the Family Court has been established specifically for family dispute resolution. Resident parents, mostly single mothers who needed Child Support, were legally required to name the father so that welfare agencies could seek payment. In cases where paternity was disputed, the Family Court or Child Support Agency (CSA) sometimes ordered tests to establish or rule out paternity. Since the introduction of this policy there has been widespread social support for men owning up to their financial responsibility for biological offspring and those who sought to evade payment were demonised. The dominant discourse of “paternal obligation”, endorsed by government policy and underpinned a biological and financial definition of fatherhood, gained widespread currency.

The Fathers’ Rights Movement, “Paternity Fraud” and “Misattributed paternity”

In this context men’s dissatisfaction with the changes in family policy, having no discursive support, was generally silenced. More recently, however, the Internet has provided a forum for non-resident fathers to express their dissatisfaction with the Family Court, Child Support and child custody decision-making. It has become the facilitative medium for unifying men disaffected by the system and a powerful backlash to the discourse of “paternal obligation”. Men’s groups typically encourage non-resident fathers to appeal Family Court decisions and to contest what they claim to be unfair and onerous family payments (Nicholson J in Milburn 1998). They actively promote paternity testing as one means by which they might do so. Fathers’ lobby groups typically have direct website links to DNA paternity testing sites and vice versa. These websites refer to cases of “paternity fraud”
where men find out that the child they have been financially supporting is not biologically theirs (for example, Cronin & Curry 2000). They cite high profile cases of “paternity fraud” that involve men seeking damages through civil action against mothers who have claimed Child Support payments from a non-biological father. Such cases have attracted high-profile media attention in Australia and other western countries (AAP 2002; Munro 2002; Stapleton 2002). As an example, in 2002 the national media reported a ‘landmark paternity fraud decision’ where the Victorian County Court awarded a man $70,000 compensation for ‘pain and suffering, and loss of income’ following the discovery that he was not the father of two out of three children from his former marriage (De Kretser 2002; Kelly 2002).

The discourse of “paternity fraud” is supported by the discursive currency of reported rates of “misattributed paternity” in the general community. Misattributed paternity was originally discovered incidentally through medical testing where a father is found not to be biologically related to his child. Figures from small clinical samples were taken as an estimate of misattributed paternity in the general community (Rothman 1990). The Internet, print media and even more reputable sources widely report the incidence of “misattributed paternity” in the community to range from one in ten to one in one hundred (Brock and Shrimpton 1991). These figures are probably exaggerated. In fact, a study examining larger samples has shown levels more likely to be less than 1.0% or around 1 in one thousand (Brock and Shrimpton 1991).

The Media, Biotechnology Entrepreneurs and the Escalation of a Discourse

The discourse of “paternity fraud” together with purported high rates of misattributed paternity in the community is the stuff of sensational media stories. Both have received extensive coverage, particularly in the popular press, television dramas and talk shows but also in other more reputable electronic and print media. This is accompanied more generally by an obsessive interest in domestic dramas about infidelity (Anderlik and Rothstein 2002). Biotechnology entrepreneurs have been quick to exploit the DNA paternity testing market by conveniently tapping into non-resident fathers’ anxieties and anger about separation, divorce settlement, custody arrangements and Child Support payments. In conjunction with the media, they have escalated suspicion about paternity and fidelity, suggesting that testing is a natural and acceptable response to suspicion (Anderlik and Rothstein 2002:221). These discursive changes have shifted the locus of demand from court ordered tests to resolve disputed paternity to individually motivated tests to potentially absolve paternity and paternal obligation. This possibility is sanctioned by a definition of paternity that emphasises men’s biological and financial connections to children (Haney and March 2003). The genetic paternity testing industry is presently unregulated but the Australian Law Reform Commission (2003), after extensive community consultation, has recently recommended strict regulation and control through compulsory accreditation. As well, they have recommended the outlawing of commercial tests without the consent of the mother. In this context, men’s rights activists have vehemently defended their right of access to “motherless testing” testing and private knowledge about their paternity status.

Focus Group Participants

Following a large survey of public attitudes to new technologies, which included a raft of questions specifically on paternity testing (ACETS 2003), six focus groups were conducted to gain a deeper understanding of people’s attitudes than was possible through the survey alone. Three focus groups consisted of women and another three of men. Sources of diversity within level of education, and the extent to which respondents had a personal stake in DNA paternity testing were also explored. Thus, the six focus groups also comprised two tertiary educated groups and two non-tertiary educated groups and one each of men and women with stake in DNA paternity testing. The special interest men were activists and leaders of fathers’ rights groups, none of whom had personally been tested. The special interest women each were first time mothers of a child whose father had denied paternity. They and their child had been obliged to undergo testing for official purposes, to have the father’s name on the child’s birth certificate or to undergo testing for official purposes, to have the father’s name on the child’s birth certificate or to name the father for access to Child Support payments. All the tests, with the exception of one where results were pending, showed the father was the biological father.

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*Education was found to be a significant variable in the ACETS national survey and in other research, such as: (Evensen et al. 2000; Millward Brown 2001). The participants were ordinary members of the public and the interviews conducted in face-to-face format. All 41 participants in the face-to-face focus groups were drawn from Melbourne based volunteers from the ACETS national survey focus group register and from using snowball technique. These two focus groups were conducted in an on-line, non-real-time setting. The 10 participants in the stakeholder focus groups were also recruited through snowball techniques and came from around Australia.
Men’s Rights Activists and the Construction of the Discourse of “Paternity Fraud”

Being the locale of its construction, the discourse of paternity fraud was most cogently and explicitly expressed by the men’s rights activists. The strongest view that men report from their experience in men’s “chat groups” is that the principal reason women take the children when they leave a relationship is monetary, “children are taken as cash cows to ensure assets (at time of separation) and an income stream”. The attitudes of the men’s group were dominated by a view that Child Support payments were payments to “unfaithful and lying” women rather than for the support of their children. These men stress the importance of easy access to paternity testing to ensure that men, as non-resident parents, are not exploited and seen to be simply: ‘a wallet’, a ‘means of income’ for women to ‘live off’ the Family Law settlements and on-going Child Support’.

Men are now aware that there are some women who are willing to use the parentage of children as a means of income. The old game of trapping a man through parentage has taken a new twist with Family Law and Child Support. It is relatively easy for women to have several children by different fathers and live off the Family Law settlements and on-going Child Support. (Madison- men’s group)

The perceived extortion of money from men is exacerbated by the fact that women are seen to be active in the process of family breakdown. At the same time, women are “selfish” and “want it all”; they are ‘unfaithful and lying’ and ‘would steal [the man’s] children and income’. Through Family Court decisions, these men feel that they are made responsible for women and their choices, by having to pay for them ‘to have a free ride’ and “for [their] own lifestyle choice, including children”. The power of the modern woman to manipulate the State to serve her own interests was expressed in this way:

In the past men tended to trust their women (wives). However, today with all the selfishness (I, Me, Mine) that leads to family breakdown, and with wives (70-80 of relationships ended by women) taking their children away for them and, with the help of the state, being forced to pay for them (when they often [don’t] see them) men want to ensure they are not paying for someone else’s children. (Phil – men’s group)

In custody arrangements, the Family Court was seen to be clearly operating against men who are treated unfairly and unjustly and pandering to the interest of women who have the ‘whip hand’. Men reported feeling disempowered and frustrated by the system that treats fathers who become embroiled in custody disputes ‘like criminals’. This is exacerbated by ‘the lack of support in the broader community’ and fuelled by the media which is “mainly feminist on these issues”. There was seen to be a distinct reluctance on the part of the criminal justice system, society in general and legal profiteers to bring these “bad” mothers’ to account.

Policy should provide for a truthful and fair outcome for all. One party should not be able to hide behind a veil of secrecy and deception - emotional and financial, whilst other parties (fathers, children and their relatives) suffer for potentially years… The consequences of the cheating and deception should be brought home to those responsible for their existence. (Greg – men’s group)

It was clear that the discourse of “paternity fraud” is the organising rationale for access to paternity testing. In this context, DNA paternity testing was seen to be a legitimate and important mechanism for uncovering the crime of fraud, potentially implicating all women receiving Child Support payments. DNA paternity testing is therefore an important vehicle by which paternity fraud can be ‘exposed’ ‘stopped’ and the ‘truth revealed’.

DNA testing provides an objective scientific method of determining whether they are indeed the father as claimed by the sometimes fraudulent claims of the mother. Men recognise Family Law settlements and on-going Child Support as a sentence into financial hell, and while wanting to support their children, equally do not wish to support someone else's child. DNA testing provides a means of distinguishing between real biological links, and often concealed third party liaisons that have produced children outside the established relationship. (Madison- men’s group)

The strong imperative to defend paternity testing as a fundamental right was also fuelled by the belief that the rate of misattributed paternity in the general population is quite high. In fact, this view was reported by all of these men as being somewhere between 10% and 30%. Given they are community leaders, it is clear that such a belief is authoritatively perpetuated both within their organisations and more broadly, thus promising to provide men with a potential pathway to re-empowerment through the disestablishment of paternity.

The ability of DNA testing to prove parentage is attractive as it determines once and for all what has happened. It offers the men hope in situations that over the years have deteriorated to the point where after denial of access, ongoing claims for more money, the thuggery of the Family Court and Child Support Agency, the lack of support in the broader community that suicide is the only option. (Greg- men’s group)

DNA paternity testing thus presents as an enabling technology that provides men with a means of separating out the anger and powerlessness of being ‘duped and conned’ into making payments to their ex-partners from the love they have for their
children. Men who have limited or no access to their children are particularly attracted to this method of resolving paternity. This is presented as a simple and clear-cut solution whereby:

Fraudulent payments can be ceased - and indeed re-payments made to the putative father – AND the 'father'-child relationship continue’. (Phil – men’s group)

The problem seems to be that payments are made inappropriately to the mother. Alternatively, it may be that men, locked out of ‘simply wanting to be part of a family’ feel that they should not have to financially support a family to which they have been denied access. It is a double-edged sword however as, if non-paternity is discovered, then men fear that access and visitation will be denied, while payments can still be enforced through the marital presumption if men have accepted parentage from the birth of the child.

The whole issue is fraught; fathers are caught between a rock and a hard place, because in most cases they love the children and have bonded with them and vice versa … and they don't want that to end. This is true with or without infidelity. In the case of infidelity though, a relationship [with the child] may still continue, it does not have to cease simply because the fraud has been exposed and payments ceased. (Fred – men’s group)

On the whole, men’s rights activists demonstrate themselves to be the site of the creation and perpetuation of a powerful discourse embodied in the notion of “paternity fraud”. It builds on cultural notions of the predatory female (Martin 1991), anxieties about high rates infidelity in women through the discovery of misattributed paternity and the general problem men have about not ever being entirely certain about their paternity (Hirczy 1995). Paternity testing thus becomes a practice discursively validated, encouraged and enabled within the discourse of “paternity fraud”, particularly in a policy context that defines fatherhood in instrumental and formulaic terms (Haney and March 2003). Importantly, even if men are not tested, the potentiality of paternity testing serves as a powerful discursive tool to bring attention to themselves as victims of deceiving women and Family Court decisions.

**Discursive Analysis of the General Public Focus Groups**

An analysis of the general public focus groups clearly demonstrated that their understanding of paternity testing was not informed by real life examples but came mainly from the media. They reported that their knowledge about paternity testing came from: newspapers through reports of legal cases of paternity fraud; high profile celebrity paternity establishment cases such as **Liz Hurley** and **Boris Becker**; and various novelty cases that have sensational appeal. Television also informed their views: through talk shows, such as **Rikki Lake** and **Jerry Springer**, soap operas and dramas such as **The Bold and the Beautiful**, **Stingers** and **ER**; current affairs coverage, such as **Ray Martin** and **Naomi Robson**; reality television (**Ozzie Osbourne**) and late night advertisements from paternity testing companies marketing commercial testing. The latter were mentioned only in the men’s groups, evidence that they are appropriately targeted, but received with a degree of skepticism:

I mean [paternity testing] is pretty useless for the broad spectrum of the population, unless you introduce a fear factor, and say “hey, is this child really yours? And then say, “oh we offer [a paternity test] for seventy-five bucks, you can find out [if you are the father]. (Carl – non tertiary)

A lot of it also comes down to marketing… the genetic companies … are putting the doubt in a lot of people’s minds. Although, I think some of that doubt could be justified, but what they’re saying [is] if you really want to be sure, we have a special price on DNA [testing]. (James – tertiary)

Although men made a connection between commercial advertising and raising anxiety about paternity, there was a general and unquestioned acceptance by all groups that there were high levels of misattributed paternity in the general community. Participants reported the rates of misattributed paternity to be “shocking” and “that it was happening more often than [you] would believe”. Men reported late night advertisements for paternity testing that cited a figure of “twenty-two per cent of children [who] aren’t the natural offspring of their father”. Women referred to an article where there was “some huge percent… (one in four)… in the general community… where the father thought he was the father and he wouldn’t be”. This rate was reputed to have been discovered when “people were testing for genetic conditions [and] they were finding out serendipitously that “oh, oops, one of the children isn’t mine!” A further article in a prestigious scientific journal was referred to by a man in the tertiary educated group. It reported a British survey of women that found that “forty per cent of them didn’t know that their husband was definitely the father of the child”. In the ensuing discussion there was a consensus in this group that:

When you hear things like that published in an eminent journal… you think perhaps you should be doing it [having a paternity test] anyway “regardless of whether [you] have suspicions about [your] wife or [not]”. (James – tertiary)

In other words, “all these statistics” plant serious “doubts” in the minds of men by suggesting high levels of female infidelity, creating uncertainty
about paternity and partner fidelity. By implication then, the raising of “suspicions” at a broader level justifies the need for paternity testing and the right of a man to be sure about his biological paternity, otherwise “he lives with the doubt for the rest of his life” and this is “going to affect the relationship [with his partner] and the relationship with his kids”. The morality of women who were caught out with paternity deceit was generally judged harshly by all groups, except for the non tertiary men, as they were perceived to be women who “had lots of partners” and “would have had to have slept around”. The test was thus necessary for women to work out “who the father is”.

Although the term “paternity fraud” was not specifically used in any group, the contextual and dominant understanding of the need for paternity testing was clearly located within the discourse “paternity fraud”. Women caught up in situations where paternity testing was needed were generally seen to be “scamming child support”, “unscrupulous” and “manipulating the situation for financial gain”.

If there’s a divorce, or a separation, de facto… relationship [it’s] just sheer maintenance. I mean… the bottom line is money … People go to court because they’re paying maintenance for three children, and they’re basically being, you know, tapped in the neck for all they’ve got. And then you find out that two of those three children that you’ve been paying for, for the last six or seven years, they’re not yours. I mean that’s an incredible sum of money. …Plus it comes down to pride, you know, I’ve been made a complete fool of. You know, do I really want to, you know, be looking after someone else’s child. (James – tertiary)

Okay, so people need money that’s fine. Okay, I can see that you need to take responsibility for your actions, that kind of thing. But when people start getting really aggressive or, you know, really violent about wanting to get this money out of someone because, you know, “well you made me pregnant so you can pay for it”… I think there needs to be a balance somewhere. (Rebecca – non tertiary)

The discourse of “paternity fraud” also underpinned some of the discussion about who should give consent to testing. In particular, the tertiary educated women were adamant that women who would not give their consent for their child to be tested were concealing “paternity fraud”.

Emma – [I]n a child support situation … the mother knows damn well that the child doesn’t belong to that man and she’s going to lose her money. [She has] no incentive to consent.

Linda – [If] there’s a divorce, or a separation, de facto… relationship [it’s] just sheer maintenance. I mean… the bottom line is money … People go to court because they’re paying maintenance for three children, and they’re basically being, you know, tapped in the neck for all they’ve got. And then you find out that two of those three children that you’ve been paying for, for the last six or seven years, they’re not yours. I mean that’s an incredible sum of money. …Plus it comes down to pride, you know, I’ve been made a complete fool of. You know, do I really want to, you know, be looking after someone else’s child. (James – tertiary)

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The non tertiary men’s group conversely raised the issue that paternity testing put “the mother’s integrity on trial” and were generally sympathetic to this being a “negative” turn of events.

From focus group discussion with women who were involved in some way with paternity testing, it was clear that the discourse of “paternity fraud” and its
associated discursive practices impacted on them in unanticipated ways. The women in this group all were obliged or ‘forced’ to undertake the test or instigate the process because the father of their child, often advised by his lawyer, had denied paternity. This denial was made public and formalised in the context of the need for legal documentation in the form of birth certificates and access to Child Support payments, both of which are contingent upon naming the father of the child. The onus to ‘prove’ paternity once it was denied was thus placed on women.

The Child Support Agency advised me that I had to prove that the father was the father … my sole parent pension was suspended [and] I could get no child support, which was denied me because I had no proof of paternity. This all meant that it took me nearly 12 months to establish paternity. Through Legal Aid I had to get a court order to get the father to take the test he was insisting was performed before he would sign the birth certificate. (Anne – tested)

The process into which women were drawn by the denial of paternity by their child’s father was fraught with public humiliation and indemnity. Is often protracted – women in the focus group cited between twelve and eighteen months – and it is also came at great cost, both financially and emotionally. The women, “forced” to engage an unsympathetic administrative and judicial system, reported it to be “intrusive” and “impersonal”. They felt that they were subjected to judgemental treatment with “a presumption that [they were] lying” about the paternity of their child. Women found that dealing with the system was not easy, “phone calls where not answered”, “information was difficult to access” and correspondence “full of legal jargon, which is really difficult to understand”. Some women reported being “intimidated” and “frightened” in their dealings with a bureaucratic and legalistic system. They expressed high levels of concern about the privacy and confidentiality of information about test results within “the range of government departments that are involved in the outcome of the test such as CentreLink, CSA and the Family Court”.

Women also expressed experiencing “embarrassment” and humiliation within their family and friendship groups by the father’s denial of paternity. It “raises doubts, insecurities, damages relationships and builds mistrust”. To their friends and acquaintances, the need for a formal test to establish paternity itself implied that they were ‘sleeping around’, unfaithful, and of low moral character.

Where the father denies paternity from the outset and the mother knows that he is the father, then it casts doubts about her in others’ minds. (Those who don’t know her well take his side). This can lead to low self-esteem and depression. (Sophie – tested)

The father’s denial of paternity reportedly also affected the child’s relationships with the paternal family who often sever contact as a result of the process even when the test results confirm paternity. Through the process, women reported experiencing a range of emotions, including feeling “traumatised”, “distressed”, “angry”, “upset” and “let down”. Being forced to take a test made them “feel ashamed and outraged”, it was seen as “a terrible insult”. The whole process was reported as being “stressful and trying” especially when it is experienced at a very vulnerable time in a woman’s life:

It was all very overwhelming, trying to deal with a radical lifestyle change in having a new baby also having to parent alone and also dealing with court and legal aid. (Kate- tested)

For women in this group the father’s actions were experienced as a “nightmare”, a “profound disruption” to their lives. But what they expressed most strongly is the futility of the exercise and the private ‘pain’ they felt at their ex-partner’s vindictiveness and accusations levelled at them in the process of denying paternity. They believed men use paternity testing as a weapon, a powerful tool of revenge – “a way of hampering or delaying parental responsibility for children” and “as a way to punish their ex partner”. Perhaps the biggest concern women reported was the destructive and lasting impacts that this process had on the father-child relationship and the “ongoing ‘partnership’ of parenting”.

The father [is] 'suspended' from 'bonding' and enjoying his children until he is certain he is the father - this also places restrictions on how he would feel about the children. (Jenny – tested)

Women reported that relationships and communication between parents were ‘irreversibly damaged’ through the process of testing, it was a negative experience that ‘definitely impacted more on an already distressing situation’. The results of the test did not seem to ultimately change the paternal relationship. Being a biological father did not make men better fathers nor did it ensure ‘the unconditional love children expect and deserve from parents’.

Discussion

The results from this study suggest that the discourse of “paternity fraud” has achieved broad currency. To this extent, men’s rights activists have clawed back some control over the debates on family policy. Through the employment of discursive strategies, they have successfully brought attention to the plight of men embroiled in relationship breakdown and
embattled in Child Support and access disputes. The construction of the crime of paternity fraud, together with the perpetuation of the myth of widespread misattributed paternity has served to empower their cause. Further, the advent of commercial DNA paternity testing enables men to privately gain information about biological paternity, the lack of which provides a powerful absolution from an ongoing “sentence into financial hell”, effectively turning the policy focus on biological fatherhood against itself. The achievement of the discourse, and the enabling capacity of paternity testing, has also meant a reversal of Court decreed paternity tests, which relegate men to the receiving end of a technology that is used against them. Now the technology can be used by men to challenge family policy decisions based on the reduction of their paternal status solely to that of financial provider.

The creation of “paternity fraud” as a legal entity, together with the discovery of misattributed fatherhood, has discursively shifted the emphasis from a focus on the errant father to the deceiving mother. DNA paternity testing can be used to uncover infidelity and paternity fraud. But it seems from the accounts of the women’s focus group that testing is not always being used to uncover genuinely suspected cases of infidelity and non-paternity. Rather, in this context, it seems to be being used punitively and vexatiously in a zero sum game that ultimately serves to create schisms between individuals and groups, where what is needed is to find some common ground. There is no simple answer to the complex problems of custodial rights over ex-marital children and men who are shut out of being part of a family. But discursively constructing mothers in need of monetary support for their children as universally fraudulent and immoral does not advance that cause. What it does do is allow mothers needing help in raising their children to be treated in certain ways that are both implicitly and explicitly dictated by the discourse. These are cultural understandings that inform the actions of members of the judicial and administrative systems as well as members of the general public. Such understandings influence how they think and the way they act towards sole mothers whose partners have denied paternity. At the same time the discourse of “paternity fraud” potentially disempowers all mothers because it challenges maternal fidelity, but specifically it casts those who exit relationships and seek monetary support from the father of their children as morally inferior. The actuality of women who have been involved in paternity testing appears to be distinctly removed from that constructed within the discourse of “paternity fraud”, yet this discourse has the power to disqualify their alternative account of reality. The experience of these women has no discursive currency. The mundane story of the struggling
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