Paternity Secrets: Why Women Don’t Tell

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This paper reports findings from a study on paternity testing. Through an analysis of in-depth interviews with women from across Australia, some of whom were themselves uncertain of paternity, the study unveils their experiences of the making and keeping of a secret that became increasingly difficult to confess. In disclosing themes and commonalities in women’s accounts of their paternity secrets, it highlights the shared nature of the dilemma. At the same time, the differential and exceptional experiences of women in nonconventional and coercive relationships illustrate the precarious position of some women in relation to paternity uncertainty. Using a “moral panics” framework, the paper examines the way in which the activity of these women has been constructed as a widespread social problem encapsulated in the notions of paternity fraud and misattributed paternity. It then discusses the implications of this construction for the making of family policy based on reactivity to a moral panic.

**Key Words:** Paternity Fraud; Misattributed Paternity; Moral Panic; Folk Devil; Paternity Secrets; Paternal Confusion

Over the last decade there has been an explosion in the number of genetic paternity tests taken to identify or rule out paternity. This has been due mainly to the availability of commercial testing, coupled with the success of the paternity testing industry’s marketing strategies and the interests of men’s rights activists in escalating anxiety about the possibility of nonpaternity in a high percentage of families. The media and its audiences too have contributed to the increased demand for testing through its sensationalist reportage of paternity events and its voyeuristic interest in domestic drama about infidelity (Anderlik & Rothstein, 2002). In fact, the general public report that their understanding of paternity testing comes almost exclusively from the media (Turney et al., 2003); and that the way an issue is journalistically selected...
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and framed determines how the general public understand and form opinions about modern biotechnologies (Gutteling et al., 2002).

The figures on high rates of misattributed paternity in the community of between 10 and 30% has been widely cited by experts, the media, and interest groups alike in an unquestioned manner. However, one earlier and several recent review articles have found no evidence in the form of properly conducted population studies to support such a contention. Instead, they each demonstrated that the figure is more likely to be between one in 1000 (Macintyre & Sooman, 1991) and 4% (Bellis, Hughes, Hughes, & Ashton, 2005). Gilding (2005), using information from sex surveys, reports from paternity-testing laboratories, and a generational study as well as the medical studies, concluded that “the true extent of misattributed paternity is closer to one percent, and not more than three percent” (p. 1). In effect from the best available evidence, these analyses have concluded that the nonpaternity rate in the general population is far less than the 10 to 30% popularly canvassed. Despite the objective evidence provided by these studies, the Australian tabloid newspapers, even when reporting Gilding’s study, persisted in their perpetuation of what is effectively an urban myth (see e.g., Australian Associated Press, 2005a, 2005b; Flamer, 2005). They presented the study’s findings and a refutational response endorsing the 30% rate from a men’s interest group as though they stood in equal relation. Other newspapers and media did not report the study despite their previous and frequent citation of the higher rates.

Along with discovery of misattributed paternity, and providing the rationale for its perpetuation, has been the construction of the crime of paternity fraud as a neo-legal entity. The broader discourse of “paternity fraud” has become the dominant way of understanding the need for paternity testing and a facilitative medium for unifying men disaffected by the Family Court and Child Support systems. At its centre is a powerful flagship story of a man deceived by a woman into believing several children, born within a relationship, and whom he supported financially, were his biological offspring when they were not. For example, the high profile McGill case in Australia gained public attention through the media when he, as the victim of paternity fraud, was initially awarded $70,000 dollars for “pain and suffering” and later had the ruling overturned by the Victorian County Court of Appeal. The potential for paternity fraud has provided a strong justification for men’s access to paternity testing without the necessity of gaining the consent of the mother. It has been successful in drawing attention to the plight of men in such situations, prompting paternity fraud legislation in Australia and elsewhere. However, the reactivity of governments and the general public around the world to “paternity fraud” has been grounded in single case studies, such as McGill Vs McGill in Australia. These single case studies, linked closely to the myth of widespread misattributed paternity in the community, have informed the dominant understanding of a perceived social problem.
The Social Problem
At its core, the newly constructed social problem is that women in large numbers are not truthful about paternity. They financially gain from this knowledge by allowing a nonbiological father to bear the cost burden of raising a child both within a relationship and through fraudulently collecting Child Support for the child when the parental relationship breaks down. The position of women at the centre of paternity fraud cases is construed as indefensible, particularly those who have adulterously conceived, not just one, but several children within an otherwise intact marriage; they are women who have kept secrets for reasons most people would never understand. These women are portrayed as the antithesis of a “good woman” (Summers, 2002), as “other” than ourselves. At the same time, they are emblematic of the potential demon in all women. They encapsulate not only female sexuality out of control, but also a view of women as predatory, deceptive, and instrumental (Martin, 1989). Underlying this understanding is a conceptualisation of men as powerless and helpless victims of a deliberate process initiated by women and supported by outmoded and unfair Family Law and Child Support systems.

Paternity Testing and Paternity Fraud Research
Although the social problem of paternity fraud has widespread currency in public debates, there has been limited research attention given to the issue. Lødrup (2003) explored the challenges presented to existing law, especially the pater est7 rule, by the increased use of DNA paternity testing in Scandinavian countries. Anderlik and Rothstein (2002), in a careful benchmark analysis of the social and legislative context, raised the “big picture” questions about how the issues of nonpaternity and biological versus social paternity might be understood in terms of legal rights and responsibilities. Many policy arguments and commentary have focused on the relative merits of the biological versus the social and the need to rethink paternity in the context of welfare and child support reform (e.g., Haney & March, 2003; Hofferth & Anderson, 2003). Haney and March, as an exemplar of these studies and commentaries, undertook a discourse analysis of policy debates to “deconstruct notions of fatherhood” by comparing official conceptualisations with those gained through interviews with low-income women (p. 461). They found that the policy view defined the connection between fathers and children in “biological, institutional and financial terms”; a definition which bore little reality to the parenting experience of (in particular) black and minority groups, who placed more emphasis on the social actions of men in parenting a child.

However, while these studies and commentaries are helpful at the level of policy, they are abstracted from the reality of the parties involved in paternity disputes. They also have limited explanatory powers in terms of the broader paternity fraud discourse, which has clearly constructed paternity in biological terms and in which
arguments about social paternity are meaningless and irrelevant. In fact, contemporary understandings of the social problem of paternity fraud and misattribution of paternity depend on such a construction.

The main studies that have been undertaken on paternity testing and the ability to reveal bio-paternity with certainty have been analyses based on case law (e.g., Kaebnick, 2004; Leeds, 2005; Myricks, 2003; Newson, 2004). The most comprehensive of these studies was conducted by Kaebnick who outlined a typology of paternity testing cases that were brought before the courts in the United States. He identified the four main categories of intentional paternity testing to be: where a man sought testing to terminate paternal responsibilities; where a mother sought testing to impose paternal responsibilities; where a man sought testing to claim paternal rights; and, where a woman did so to deny paternal rights. He then outlined “an assortment of other types of cases” involving third party testing and testing by children to discover “true parentage” (p. 51). This careful analysis of legal cases is explanatory in terms of the main legal contestations over paternity and the relative importance of the natural, social, and psychological dimension of paternity. However, because of its focus on legal cases, the study did not address paternity testing that arises from the discursive arousal of suspicion in men. Nor did it explore the new need for testing to check maternal fidelity and expose paternity fraud. These probably constitute the main reasons for testing, but they do not appear in case law. Case law also does not cover situations where women as well as men require a paternity test because they are unsure of paternity.

In a different approach, Myricks (2003) and Leeds (2005) separately presented an argument, based on American case law, in favour of making a clear distinction between fathers who have been wrongly accused of paternity and fathers who have accepted paternity with full knowledge that they were not the biological father. Both researchers argued that each of these situations needs to be treated differently in law. Leeds (2005) suggested that cases where men knowingly accept paternity and later refute it are common. He explained that some men who want to be fathers to their partners’ children sign the birth certificate as fathers of nonbiological children rather than pay for expensive formal adoption procedures. In the event that one of these relationships break down, the father can be tested, claim nonpaternity and potentially be absolved of his financial responsibility to the child. In the current discursive context, then, paternity testing that reveals a nonbiological relationship is likely to now signal the commission of paternity fraud. Conversely, Hirczy (1993, 1995), in his earlier analysis of policy in this area, argued that a non bio-father was unprotected in law from a nonpaternity action on the part of a vindictive mother should a relationship break down.

In the absence of empirical studies specifically on the usage of and need for paternity testing, there is a reliance on expert knowledge about what is going on.
Sociobiologist Mark Bellis et al. (2005), who conducted the meta-analysis of medical studies on rates of misattributed paternity reported earlier, stated that the “most typical” scenario of “paternal discrepancy” is when women have a “covert sexual relationship” outside their marriage or partnership (p. 749). To date, there is no evidence to support their contention, yet there is a widespread belief that this issue is posing a serious threat to moral society.

Theory: Moral Panics and the Creation of Folk Devils

Goode and Ben-Yehuda (1994), building on and extending the earlier work of Cohen (1973), argued that from time to time there is an outbreak of concern and moral outrage about a social problem that is seen to pose a significant threat to society and social institutions such as, in the present case, to the family. Large numbers of people experience and express concern over a perceived threat to the moral fabric of society, the dimensions of which are blown way out of proportion to the actuality of its occurrence. The moral threat comes from certain groups of people whom Cohen called “folk devils”; they are the personification of the evil among us, the targets of moral outrage whose identification, containment, and regulation become the desired outcome of the moral panic. Goode and Ben-Yehuda defined moral panic in the following way:

In a moral panic, the reactions of the media, law enforcement, politicians, action groups, and the general public are out of proportion to the real and present danger a given threat poses to the society. In response to this exaggerated concern, “folk devils” are created, deviant stereotypes identifying the enemy, the source of the threat, selfish, evil wrongdoers who are responsible for the trouble. The fear and heightened concern are exaggerated, that is, are above and beyond what a sober empirical assessment of its concrete danger would sustain. Thus, they are problematic, a phenomenon in need of an explanation; they are caused by certain social and political conditions that must be identified, understood, and explicated. (p. 156)

Goode and Ben-Yehuda (1994) argued that moral panics are driven by interest groups and are characterised by five main criteria. First, there is heightened concern over certain behaviour, such as infidelity and deception. Second, this is accompanied by an increased public hostility to the perpetrators or folk devils who are viewed as “other” and different from ourselves. In the present context, these are women who have multiple sexual partners around the time they get pregnant and who then wrongfully accuse a man of paternity with the intention of deceiving and defrauding him and the welfare system. The third element is that there is a consensus that the threat posed to the values of a moral society is serious, and there is also a widespread agreement that the harm is caused by the behaviour of particular deviant women who do not share the same moral values as everybody else. The fourth criterion for a moral panic is disproportionality, that is, that the level of concern or panic is out of proportion to the actual threat and the problem is “grossly exaggerated”. For example, the misreported high levels of nonpaternity in the community erroneously raise
the probability of higher than previously expected rates of misattributed paternity and paternity fraud, and this occurs despite objective evidence to the contrary. Finally, the fifth criterion is that moral panics are characterised by their volatility; they erupt suddenly and are generally short-lived. However, they are often grounded in historical concerns that surface from time to time, such as the enduring efforts to control women’s sexuality and fertility through a range of social and institutional means (Goode & Ben-Yehuda, pp. 156–159; Scutt, 1983; Smart, 1992; Ussher, 1991).

The aim of the present article is to provide a sociological analysis of a newly-constructed social problem, using a moral panics framework for understanding the phenomena encapsulated in the discourse on paternity fraud. The findings from an empirical study on women’s experiences in relation to this discourse that stand in juxtaposition to the dominant view are presented, and the implications of the moral panic for informing the making of family policy are discussed.

The Study: The Experience of Paternity Testing and Paternity Uncertainty

Method

Sample and Procedure

Given the lack of empirical evidence on the dynamics of paternity testing, the study’s broader objective was to gain an understanding of the personal and subjective experience of paternity testing. Participants were recruited through a nationwide media release announcing the commencement of the study and inviting participants to complete a survey, be interviewed, or both. The release received some coverage in metropolitan and regional newspapers and radio stations around the country. As well, over 1000 community centres and groups throughout Australia were contacted by telephone, post, and email with information about the study. These included health and legal centres, as well as support groups for men, women, and parents. The participants in the broader study (N=50) were thus a self-selected group of men and women who volunteered to tell about their experience of paternity testing and paternity uncertainty.

From the initial stages of the study participants themselves, because of the sensitive nature of the issues, showed a preference for telephone interviews rather than face-to-face meetings. A number of participants chose to provide written accounts of their experience either in response to an open ended question on the survey or by email, and their data is included in the study. Telephone interviewing had advantages in terms of anonymity, being conducive to open information exchange with no facial expressions, such as embarrassment, no differences in dress code, age, and general appearance to moderate the free flow of information. The telephone interview clearly served the need to suspend hierarchy, with the
interviewer and interviewee involved as equal participants in a conversation about their particular experience of paternity testing (Oakley, 1981). It also provided for a more focused approach to the issue and, in terms of practicality, produced a much clearer audio version than often do face-to-face interviews. Finally, it overcame the issue of distance, enabling the participation of people from rural, regional, and urban areas around Australia which otherwise would not have been possible.

With the telephone interviews, issues around confidentiality and anonymity were thoroughly discussed and either written or verbal consent was obtained. Although there was a preset list of themes to be explored, the interviews were largely unstructured in that each person was asked to tell their own paternity story. In broad terms, the method used was a grounded theory approach (Glaser & Strauss, 1978), and the interview followed Charmaz’s (1990) division of interview question types into “informational”, “feeling”, “reflective”, and “ending” questions. Generally, participants followed their own path in telling their paternity story, with questions posed in conversational mode to elicit responses to questions about process, actions, how other people responded, and the use of questions such as “How did that make you feel?”. Towards the end of the interview reflective questions were asked such as “What advice would you give to anyone contemplating having a paternity test?” Ending questions, comments, and observations were used to accomplish, where possible, a “positive closure” to the interview (Charmaz, p. 1167).

The interviews were audio-recorded, de-identified, transcribed, and validated. Data were entered into NVivo and independently coded using open coding. The initial stage of the analysis by the author was to group the data by broad category of paternity experience, one of which was “paternity uncertainty”. The data were then analysed directly from transcripts by combining a thematic and narrative approach. The latter focused on a sequential modelling of the progressive stages of the secret. Data were subsequently compared with matched codes retrieved from the computer-assisted program to ensure reliability.

In grounded theory where little is known about a phenomenon, the sample is not determined prior to the research; rather it emerges in analysis through theory testing (Glaser & Strauss, 1967). Because every case in the present study was so different, it was difficult to assess whether saturation was achieved or could ever be fully achieved. Rather, what can be said is that there were sufficient data to demonstrate a common overall theme around paternity secrets with several main subcategories of experience; and the data were “sufficient to produce interesting, relevant and useful results” about a relatively new topic (Ezzy, 2002, p. 74). The inclusion of a variety of experiences in the analysis helped to explain the complexity of the issue.

For the purpose of the present analysis, a subset of 15 women from the broader study dealt with paternity uncertainty of some kind. The accounts that are reported include those women for whom a paternity test showed that the man believed to
be the biological father was not. It also included women whose child had not been tested, but who were at some time, or remained, unsure of paternity, and women who were certain or almost certain of paternity but had not told either or one of the men involved. In effect, it reports on the paternity secrets that women have kept and the reasons they gave for doing so. To protect the anonymity and confidentiality of the participants, given the extremely sensitive nature of these data, exact numbers of women in each category and individual pseudonyms have not been used. The study was conducted with the approval of the Swinburne University of Technology ethics committee.

Results and Discussion

The paper reports findings specifically in relation to the experience of women at the centre of the moral outrage about paternity fraud and the misattribution of paternity, whose voices are silenced by a moral panic that is essentially about them. It does not assume to describe all women in these cases. Nor does it claim that no woman has ever cheated, lied, or deceived. Clearly, men are also affected by paternity secrets, but their experiences are beyond the scope of this particular paper and are detailed elsewhere.

The Secret

There are a variety of reasons why women reported keeping potential or actual paternity secrets. In most cases the secret was deeply held and hitherto unshared with anyone. Most told their stories tentatively and emotionally but, in doing so, were pleased about the opportunity to unload for the first time the “shame”, “self-blame”, “burden of guilt”, “responsibility”, and uncertainty with which they had lived. Others had their stories publicly revealed for them after secret testing by ex-partners or other family members; something that was “humiliating” for them but which also allowed them finally “to get that dark ghost out of the closet”. Many were angry about having to carry the burden of a secret that also belonged to one or both of the men involved:

I can’t imagine a bigger secret than the one I kept for all those years... I tried – I tried not to think about it. I just pushed it to the back of my head most of the time. Or, I would convince myself of the answer I wanted it to be, and um, would just hope that no one else would point the finger.

These women’s stories were sometimes stories of the past, spanning one or several decades. Many of the incidences of potential or actual nonpaternity occurred when commercial, cheap, and direct access to accurate testing was not available. The participants were often sexually “ naïve” young women caught up in sexual episodes and events over which they had minimal control:
I was only 16, and... I mean, I knew the word abortion but I really didn’t know what was involved, so I was quite naïve – I was very naïve actually... and my stepfather said to me, if I have an abortion he wouldn’t speak to me because he was Catholic. And I found that - I was just even blown away because I wasn’t quite sure what he was talking about really.

There were also more recent cases reported where paternity testing was available, and paternity uncertainty was quickly resolved when women “moved from one relationship to the next [with] only a few days between”. Typically this would mean that all parties involved agreed to testing, then “two tests [were] done, the first one... to rule someone out and the second... to confirm paternity”.

Unsurprisingly, children were often the main reason women gave for keeping their paternity secret. Their appreciation of the importance of the social bond that had developed between the father and child prevented exposure of their secret. Women reported that this important bond, once forged, was difficult if not impossible to unsettle by informing the child or man of paternity or nonpaternity:

I mean, you just have to see [them] together, to see how much they love each other. And love's an intangible thing and it's something that - that grows with you... It takes a long time... And since the day [she] was born, that's it, he's Dad.

They felt that the older the child got the more difficult it became to tell because they had no “right to take that [bond] away” and to disrupt an established father-child relationship. The only benefit in telling for some was to expiate their own guilt; they saw no benefit to the father, the child, or to their broader relationships with the extended family:

Every time I thought about telling [my daughter] [he] wasn’t her biological father that he was like her - her daily type father, but there was this other person - I couldn’t really see the benefit except to me in getting rid of my burden of guilt. And it was a burden of guilt that just continued to impact on me. I don’t like secrets; and I like being truthful. And I just felt that there was something wrong about this enormous lie.

While acknowledging that it was “not fair for [the child] not to know”, some women also believed that it would be difficult and unfair to “disrupt [the other man’s] life” and that of his other family by contacting him and informing him about his bio-paternity. In the end, where fathers and children did not already know, it was seen to be ultimately easier and fairer to do nothing, to maintain the status quo; to keep the paternity secret – though this was always an unsatisfactory solution.

Paternity Confusion
Despite claims that only men experience not being sure about paternity, many of these women reported lacking certainty about the paternity of a child. They spoke candidly about sexual relationships that overlapped or that happened in quick succession. The liaisons were with friends, acquaintances, and new or old partners at the beginning.
or end of a relationship. The pregnancies usually were the result of “one-off” encounters that occurred at the margins of monogamous relationships, the most common form of partnering in Australian society. They did not involve infidelity or deception as the women were either free of a relationship or minimally attached to a dying, old, or embryonic new relationship. However, these tenuous, unstable, or emerging relationships were unlikely to withstand an open discussion about a prior or intervening sexual event. It would seem that neither partner would be likely to risk a budding and promising relationship in this way. Despite the moral outrage about them, women who found themselves in situations of paternity uncertainty did not seem to differ significantly from any other sexually active people. For example, one woman had unplanned sex with a long-time friend, the first since the death of her husband 12 months prior; coincidentally, several days later she met a new man who subsequently became her partner:

[I found that] I was pregnant so I just assumed it was the second chap because I’d continued sleeping with him. So I… told him and he was quite pleased. And it was many, many months later that I remembered even that I’d actually slept with someone else as well.

She, like other women in similar situations, assumed the father to be the man of the most enduring and regular sexual relationship, the obvious and most likely man. Sometimes they believed it was the one whom they “wanted it to be”, a man they loved or respected and who was likely to provide the best possible environment for the child to be nurtured and in which to grow up. At other times it was the man who assumed the child was his, even when they were not living together and even where there was room for reasonable doubt about his paternity. When the current partner or obvious man assumed paternity and was “happy with it”, this in itself sometimes helped to firm up certainty for the mother. Women reported liking the man, who “so much wanted to be a father” or who “really hop[ed] it was his” because he wanted the relationship to continue. Some also reported simply wanting the help and support of their partner through pregnancy, something that may have been forfeited should there be a confession about another sexual act around the time of conception. In effect, many opted for the default position: to maintain the status quo rather than actively change anything; for example, one woman explained that “during the pregnancy there was no final sort of understanding that we were together or not together”.

Accidental pregnancy. The accidental nature of the pregnancy, as the result of a single sexual act frequently came as a surprise to both men and women in this group as well as in the broader study. This was particularly so when paternity was unclear. Illustrative of this is a case in which a friend had agreed to help a woman to conceive a child. During the agreed time, she unexpectedly ran into an “old flame… the “love of [her] life”” and had a ““one-off”; a single sexual episode that
seemingly had nothing to do with the deliberate business of reproduction. When pregnancy was confirmed, there was an unquestioned assumption that the child was the result of the deliberate acts of reproductive sex rather than from a moment of passion.

The success of modern contraceptive methods and the focus on sex for pleasure have combined to effect the cultural separation of sex from reproduction (Foucault, 1990; Greer, 1984). This, together with planned pregnancy, reported high levels of infertility, and medical intervention in reproduction through in-vitro fertilisation (IVF) procedures, meant that reproductive sex was commonly viewed to be a deliberate and meaningful process rather than an accidental and haphazard one. Thus, the fact of accidental pregnancy was also sometimes seen by others to be less credible; indicating intentionality and, in some cases, that the woman was deliberately entrapping a man by “[getting] pregnant to keep him”.

It seemed also that there was something different about generative sex that made knowing about past sexual partners more explosive, more reprehensible, and much more difficult to confess. For women, having a second sexual partner in the context of pregnancy was seen to be unforgivable in ways that having any other sexual liaison was not. One woman, when pleading with her ex-partner to have a test to clarify paternity, was told:

I’m over the fact that you slept with someone else; it’s the overall outcome that gets me now.

When women discovered they were pregnant and were uncertain about paternity, termination was often recommended and supported by the other man, the transient lover who usually “[didn’t] want to know about it”, “didn’t have any interest in being a father” and “didn’t want to talk about it” and who saw abortion as a “quick-fix” solution that would solve his problem of involvement. The other man typically denied paternity, and actively reinforced the woman’s certainty and perhaps desires that the child was more likely to be that of the current and most likely partner:

[The other man] was stunned that I was pregnant… He was quite in favour of a termination. [He] thought that that would be a good idea. Of course I had no way of telling him whether it was definitely his or not either, and he kept reminding me that it would more than likely be my husband’s, because, you know, we had sex occasionally, but not as often as I would with my husband. When I spoke with my husband, um, he was surprised and shocked because we hadn’t planned [a] baby so soon… so when I suggested possibly terminating, he was in favour of that idea.

As this quote suggests, termination was sometimes also the preferred option of the husband or partner because the pregnancy invariably was unplanned. However, the very suggestion that she should have an abortion because of paternity uncertainty, for one woman, triggered an angry response from her partner because she “was going to kill this baby that was probably his”. For another, when she conceived a
child during “a short break in [their] relationship”, her long-term partner “decided he wanted to father the child and, to facilitate that, he wanted to sign the registration documents and be [the child’s] father from the start”, effectively legally adopting the child as his own (Leeds, 2005). What “bothered him” though was that she “had been unfaithful to him”, rather than the fact that “it wasn’t his child biologically”. 

**Imagined paternity and uncertainty.** Even with the ready availability of testing in more recent times, women who broached the topic with their doctors were advised not to have a paternity test during pregnancy because it is quite invasive and risky for the foetus. There may also be anomalies associated with procedural issues that lead to misinterpretation of results (Wenk, 2004). Thus, other than abort the foetus, women were unable to resolve uncertain paternity during pregnancy. So, despite the materiality of maternity, biological paternity in these situations was an imagined state for both women and men. This being the case, it was the burden of uncertainty, of imagined paternity, and lack of knowledge about the treacherous path upon which they were embarking that saw women immobilised in the face of a situation where they stood to lose no matter what they did. Women reported that, while the imperative to confess their secret was strong, the pragmatics of doing so seemed to be destructive of family and interpersonal relationships. The initial moment of telling quickly passed and, once paternity was acknowledged or claimed, telling became increasingly difficult for them.

Some women erroneously thought the issue would go away and “sort itself out” with time. They reported being “in denial” and, not knowing what to do, chose instead “the course of least resistance”, both in terms of non-telling and in the non-decision about whether to terminate the pregnancy. These women did not terminate the pregnancy often as a passive rather than an active decision; that is, they did nothing, and the pregnancy progressed until there was no longer any choice. In the few cases where women did tell their general practitioner about their paternity confusion, they were advised to go ahead with the pregnancy:

I just didn’t know what to do. I went and saw my GP who basically said: “Look can you be sure?” And I said: “No, I can’t.” And he said: “Look my advice to you is to go ahead with the pregnancy and see what happens”.

Those who consulted medical practitioners for advice about a termination reported finding them to be generally unsympathetic, judgemental, and “not inclined to help” because of the circumstance of pregnancy. In this and in other cases, paternity testing simply was not available as an option, so there was nothing a woman could do about not knowing who the father was. One woman said that she “couldn’t abort on … something [she] had no guarantee on”, she did not want to abort her husband’s child. Her mother also advised her to “keep going and see what happens”. The mother’s advice quite literally was: Wait for confirmation at birth that will
provide visual evidence of the baby’s similarity to the father and see what happens then. For some women, this was indeed the case:

Once the child was born I took one look at him and thought, my god – he’s the spitting image of my former partner.

Although visual evidence at birth was sometimes a good measure, in many cases it was not. The child was often born with “no immediate identifying physical features that could point one way or the other”. For a number of women, their first certain knowledge of exactly who the bio-father was came from external triggers later in the child’s life. These were in the form of family photographs displayed at family events such as weddings or birthdays, when a likeness to other children of the bio-father or the bio-father himself as a young child was obvious. This revelation usually came as a shock to the mother:

If you see a photograph of [the bio-father] when he was [my son’s] age, they look like twins… Now that [my son] is more of an adult, there’s such similarity, it’s really uncanny.

Moral Judgements
All women interviewed shared the self-blame and social judgements that are placed on those who get caught in situations where they are pregnant to a chance lover. The negative evaluations were compounded exponentially when women were found, not only to have had sex with two men, but not to know which one was the father. It was difficult to confess this transgression to lovers, family, and friends, especially in the absence of certain knowledge. Illustrative of this was the fact that most women told no one, not even their closest friends, about their paternity doubt:

I found out I was pregnant … and I knew straight away that there was a problem. I wasn’t quite sure who it was and it was really quite- um, I suppose there was a lot of shame around it, because I was never like - you know, you automatically think that if a person doesn’t know who the father of their baby was or is, then they’ve - this, this person’s not a very nice person. And I just - that’s what blew me away I thought: “Oh no, that didn’t happen like that!”

In this case, the young teenage woman’s naming of, what turned out to be, the wrong father was a reactive response to her mother’s demand to know. In the absence of paternal certainty, she named one young man who was known to the family rather than confess the implication of another and admitting her lack of surety and all that implied about her morality. Other women made the secret through omission rather than commission. They were pregnant, vulnerable, emotional, and shocked about finding themselves in such a culturally taboo state. Family values played a large part in creating and maintaining the secret. For example, the imperative to maintain family and relationship stability was a strong factor in keeping the secret. While there was some indication that other family members, including the
partner, knew and were complicit in the secret, some women expressed fear that, if they told about the uncertainty, the relationship would break down, or there would be harsh judgements from the partner’s family:

[I was] very young and very frightened of his family. It was just one of those things that happened and [was] forgotten about… I was too scared that if I said anything he would have walked out on me and I’d be a single mum.

Other women did not tell their partner because they were afraid of his response. This was particularly the case where partners were controlling and verbally and emotionally abusive. Such fear was actualised in one situation that resulted in physical abuse when the woman, who had a single sexual episode with another man during a brief separation, told her partner about the affair and her subsequent uncertainty about paternity:

[H]e kicked me. I was on the floor and he kicked me and broke my rib and nearly fractured my skull. I had to have a head scan… my head went like a dent, not like a lump.

While this was an isolated case, it does illustrate the potential danger for some women in revealing to an abusive or controlling partner that he might not be the father, especially when she herself is not sure. Another woman’s nonpaternity story was an imagined one, born of her husband’s enduring jealousy over a former boyfriend, despite the fact that her friendship with him never involved a sexual relationship. She, however, carried the burden of guilt over his accusation; the guilt of him “think[ing] he might be one of those fathers that’s looking after someone else’s child”. She found herself unable to tell anyone about this phantom secret but, when their eldest son was a teenager, the mother felt compelled to tell him about the reason his father treated him differently.

[He] made things hard for him… you know, he’d pick on him a lot more than he would, say the brother or the sister… I think it has scarred him in a certain degree… I felt it was just ongoing sadness, ongoing pain - ongoing. And… I couldn’t tell anyone; like, I couldn’t tell my parents because that would make things worse. And I couldn’t tell my best friend, who I tell everything to, because – you know – it didn’t seem right.

The interview for this study was the first time she had disclosed her secret to anyone, because of the associated shame and her assessment that the interviewer would not be “judgemental” in a way her family and friends would be.

Contemporary Folk Devils?
Paternity confusion also arose in a range of circumstances outside the more common scenarios already discussed. In rarer, but nonetheless central cases, given the media and public outrage over paternity fraud, these young women were trapped in loveless and abusive relationships. Constantly subjected to demands for their love and labour,
they were coerced into acts of extramarital sex to please or appease their husband or seducer-friend of the husband. The inability to decline or refuse to engage in nonconventional sexual activity led them into situations about which they were ashamed and over which they had little control:

Um, I know the word “seduced” is not commonly used these days, but that’s the most fair approximation of what happened… [I] didn’t set out to do it… there was nothing deliberate. Um, and when I found I was pregnant… I had no idea to which man I was pregnant, um, no idea what to do. I considered terminating.

These situations usually involved marriages in which the men were older and quite dominant over a young wife. The other men, the ones who turned out to be the bio-father, were friends of the husband and also older and domineering. The extramarital relationships and subsequent pregnancies took place in a broader context of sexual permissiveness and “open marriages” among the husbands’ friends. These scenarios typically involved alcohol and sometimes the group would “smoke marijuana” and “watch pornographic videos”, with “quite a lot [going] on in the spa” and occasionally “wife swap for the night”. In effect, “having an affair with someone wasn’t anything out of the ordinary”. When asked whether her husband knew about the affair, one woman responded:

[He] was there, he watched, he involved himself, he knew what was going on, he arranged it all to happen. Ah - I got: “If you love me, you will do this for me. Um, and I was supposed to see this as an honour; that I suppose basically I was put on open slather. Um, and alcohol was involved, we were drinking. And this went on for several months. And um, and then I found out I was actually pregnant.

The children of such encounters could have been sired by either male but all parties, including the mothers, never questioned paternity and, in each case, there was a tacit understanding that the child was progeny of the marital relationship. As one woman said, “It never crossed my mind that there was a possibility that [the child] could have been someone else’s... [It was] not an issue”. The question of non-paternity only arose after the breakdown of the relationship.

Despite being distressed and upset by their part in these sexual forays, the women usually did nothing about it. In cases where the question was raised, the husbands managed to mute any discussion of the issue by highlighting the women’s own sexual transgressions, thus apportioning blame and guilt. It was made clear what the implications would be for a mother should such sexual indiscretions become public knowledge. In effect, the men were able to draw upon the moral outrage and hostility generated by the moral panic to achieve silence about what went on.

The relationships that these women described clearly demonstrated that they were entrapped by the emotional and physical ties of marriage and mothering young children. They were physically and psychologically isolated from their families,
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and friendships were more or less dictated by their husbands’ chosen behaviour towards people they wanted included or excluded. They were made to feel inept in their main roles as wives, mothers, cleaners, cooks, and bill payers. They were blamed for things which were beyond their control, such as lack of money, the partner’s bad luck with his job, health, and other problems. This constant reinforcement of worthlessness and consequent lack of self-esteem is consistent with the trauma experienced in domestic violence and workplace bullying reported by other researchers (e.g., Einarsen, 1999; Herman, 2001):

I was talked down to, I … felt degraded, I suppose in the regard that I wasn’t worth anything; I was there to be a mother, I was there to clean the house, I was there to show off to his friends of how good a wife I was… As long as I was in those four walls and everything was done in the house and all the finances were looked after and the child was clean and tidy and everything, well that’s all that mattered… If something didn’t get [done], I got into trouble.

These women talked about living in the outer suburbs, isolated from the friends they had prior to the marriage, and were often without a car or license. They were young mothers at home with the first baby, feeling “depressed” and “lonely”. When, for instance, a kindly family friend called in for coffee or took them out, it “was the highlight of the week”. They found out too late that they were in a position over which they ultimately had little control. Some women reported being involved in nonconsensual sex imposed on them by a friend or new acquaintance:

This is the worst bit: I didn’t just go out and have sex. I didn’t want to have sex [crying]. I kept saying to the first guy: “No, no, I don’t want to do this. I’m not a slut; I don’t want to do this. I’ve never done this in my life; I’ve never had a one night stand; I don’t want to do this.” And in the end – ahh, they just don’t let up, so you give in.

I went … for a holiday to visit my family and while I was there I was um raped by a family friend. … I basically [went] straight home; I just didn’t want to deal with it. I didn’t report it; I just wanted to get home because my husband was at home … and basically [I] tried to move on with my life … [I] didn’t tell anybody. I just basically went ahead because I, in some way, I felt responsible because um, because he was a - he was a friend. I trusted him and so I, in a way, I felt sort of responsible… About a month after I returned … [I found] I was pregnant um, but I didn’t know whether it was my husband’s or from that event. It could’ve been either.

Women caught in these situations lived with guilt and sometimes public shame. They admitted responsibility and often felt that they “deserve[d] to be punished for doing the wrong thing”. Some were faced with the difficulty of how to tell a child that he or she was the product of rape rather than the child of the man he or she loved as father. Where the knowledge about misattributed paternity and paternity fraud became public, women had not only to live with their own shame but they were also faced with protecting their child or children from taunts and abuse:

It’s a very horrible feeling; um, you feel - you basically feel like gutter trash. You feel worthless - you feel: “Where did I go wrong in my life?” You know, I am a good person, I’ve raised …
children, you know. I look at what I've got, and this is what I've done. What have I done so wrong to become such a bad person in everyone else’s eyes?

Any attempt to refute the charges levelled at them required that they reveal the aberrant or enforced sexual practices within which the pregnancy occurred; a situation that further demonised them rather than their partner or the bio-father. Women also worried about the effect the revelation of the secret would have on their ability to gain respect from their children in order to be an effective parent. One woman, who was still uncertain about paternity because her partner refused to be tested, expressed her fears in this way:

I have to worry about my little girl growing up to be a 16-year-old and me trying to teach her some morals and her turning around and going: “But you’re a slut Mum, you had me like that”.

Conclusions: Why Women Don’t Tell

From the presented accounts, it is clear that paternity secrets are deeply held, complex, and difficult to disclose. Failing to immediately confess another, and often unimportant, distasteful or distressing sexual event, in the context of an unexpected pregnancy and a promising or permanent relationship, set these women on a trajectory from which it became increasingly difficult to exit. Their own interests became subsumed by the interests of those whose lives were being built around a particular understanding of who the father was. The imperative to tell the truth was weighed against the harsh moral judgments that attend the moral panic about them as “the enemy, the source of the threat, selfish, evil wrongdoers who are responsible for the trouble” (Goode & Ben-Yehuda, 1994, p. 156). In defending themselves against their accusers, it would be they who would have to confess private and disputed sexual practices. The public shaming and punishment, whether actual or impending, continued to live with them. They were fully aware that if they told anyone, not only would they be judged in negative terms and experience reputational damage, but their children would also suffer. They would endure the loss of respect for their mother, as well as feel the shame associated with the knowledge about the manner of their conception. It is not surprising then, that when mothers are publicly exposed as folk devils, and in the face of family condemnation, they are likely to erect protective barriers around themselves and their child or children to shield them all against their accusers, against those who have no respect for them, and who stand in moral judgement of them.

The importance of reporting these accounts of the making and keeping of paternity secrets is not to claim that women are always blameless, but rather to provide a balance to current public debates which, while focused on these women as wrongdoers who are “paraded by upright citizens and denounced”, renders them both silent and invisible (Goode & Ben-Yehuda, 1994). In disclosing themes
and commonalities in women’s accounts of their paternity secrets, these findings highlight the shared nature of the dilemma. At the same time, the differential and exceptional experiences of women in nonconventional and coercive relationships illustrate the potentially precarious position of women in situations of paternity uncertainty. In effect, these women in their variety did not seem any different from any other random group of women, except that they were caught in a real-life nightmare in which they had made errors of judgement that had devastating and enduring consequences for themselves and others close to them.

Implications: The Sociopolitical Effects of the Moral Panic

In the electronic age, a moral panic is a media event of global proportions. This particular panic serves as an effective marketing strategy for the testing industry to tap into men's anxieties about paternity, especially in the context of the burden of Child Support for men separated from their children. But it can also be understood as a political struggle, a powerful backlash to the breakdown of traditional marriage; in effect, a battle “to control the means of cultural reproduction” (Cohen, 1973), as well as biological reproduction. The panic is characterised by intense and passionate feelings but, as Goode and Ben-Yehuda (1994) argued, although moral panics do not usually last, they do leave a legacy in the form of social change. Already we have seen the effects of this one in reactionary legislative action in Australia and elsewhere.

However, the strength of the discourse on “paternity fraud” and the moral panic it evokes is based on a single case that has been directly responsible for an amendment to the Family Law Act to deal with cases of paternity fraud. The moral panic has also been a powerful facilitative mechanism in bringing attention to issues around fathers, Child Support, and access. Policy reforms in Australia are underway in parenting arrangements, parenting payments, family relationships, and dispute resolution. There has also been no action in the implementation of reforms recommended by the Australian Law Reform Commission and Human Research Ethics Committee (ALRC/AHEC, 2003) in relation to the banning of motherless testing. No decision-making, in the form of excluding an item from the political agenda, is something that theorists have argued to be as important as direct political action (Cox, Furlong, & Page, 1985).

This is not to say that there is no need for reform in these areas, or that the ALRC/HREC’s recommendations necessarily should be implemented. Rather, to the extent that the moral panic about the incidences of paternity fraud and misattributed paternity are influencing policy change, then questions need to be asked about exactly who is driving the political agenda for reform in family policy. If the presumed social problem is based on a moral panic about women whose own accounts are excluded and silenced, then it is a skewed emotional and moralistic response to the problem. Furthermore, if policy reform is reactive to a moral panic about a fabricated social
problem, or at least one that has been escalated out of all proportion to its reality, there is insufficient premise for change. Effective policy in this area needs to be grounded in a more comprehensive understanding of what is actually going on both in the private lives of individuals and in the broader discursive climate.

More importantly though, the moral panic has thus far served to frame up the problem in a particular way that entrenches men and women in adversarial positions over paternity, paternity testing, and the best interests of the child. Women, whose transgressions are, in the main, the outcome of accidental pregnancies that occur as a result of serial monogamy, are demonised, never to be forgiven; so they find ways to protect themselves and their children from the moral entrepreneurs. Their accusers, and the excluded, are fathers, paternal grandparents, and other family and friends as well as the general public. The moral panic dictates modes of thought and ways of acting and reacting in response to paternity confusion based on moral outrage and self-righteous indignation about the wrong and hurt that has been caused. Effectively, men are cast as victims and provided with a script that prescribes how they should feel and act in the face of mistaken paternity. The moral panic, while serving other vested interests, is ultimately disabling for all the parties concerned – each is consigned to the uptake and maintenance of an oppositional position that is clearly dictated by the panic. Individual positions thus become entrenched and immutable, allowing no possibility of resolution.

In conclusion, it would seem from the experiences of women who had a paternity secret, that the events at the core of the issue are intensely private matters. An interventionist policy approach to relationship breakdown did not work in the past (hence the introduction of no-fault divorce), so there is no reason to expect that it will do so now with paternity matters. Instead, what is needed is a careful rethink about how we deliberately and meaningfully deal with biological knowledge about paternity when it does not match social arrangements. To that end, initiatives that break down barriers between feuding couples, rather than building them up and strengthening them, are urgently needed. Finding nonjudgemental pathways to honest, open access to testing, coupled with support for all parties, and a broader definition of paternity should be a priority. A starting point might be to abandon a view of accidental pregnancy and paternal confusion that sees them in moralistic, judgemental, and politicised terms and instead consider them to be unintended outcomes of the human condition; that is, human mistakes made by the actions of women and men in the context of intimate relationships.

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Endnotes

1 The findings are from qualitative interviews from an in-progress study being undertaken by the author. It forms part of an ARC funded project entitled: “Genetic Identity Testing and the Family: The Articulation Between Biotechnology and Family Relationships, Politics and Policy”, an Australian Research Council, Discovery Grant, 2004-2006, being undertaken in collaboration with Professor Michael Gilding.


3 The article was syndicated through the Australian Press Council (AAP). The tabloid newspapers printed the article as it stood. In contrast, Horin (2005) reported the findings on their own terms.


5 This is not to argue that “motherless testing” should be banned. In fact, Newsom (2004) provided a convincing legal and ethical argument for allowing such tests under controlled conditions. Gilding (2004), in a similar vein, suggested that while consent of the mother need not be required, she should be informed that the test was being undertaken. The men who have participated in the broader study being reported here have provided compelling evidence for their right to know about bio-paternity (Turney, 2004).

6 Paternity fraud laws have been enacted in as many as twelve American States (Jacobs, 2004) and in Australia the Family Law Amendment Act 2005 (No 98), assented to in July, 2005, provides for the recovery of maintenance payments where parentage testing reveals evidence of fraud (Donaldson, 2005).

7 This is more commonly referred to as the marital presumption.

8 Some participants who chose to remain totally anonymous gave verbal consent only rather than provide their mail or email details to the study.