

‘Paternity Fraud’ and the Invisible Child

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Abstract

This article analysed Australian newspaper coverage of the *Magill v Magill* case, a landmark legal case in which a man sued his wife for ‘paternity deceit’. Using results from a thematic analysis of newspaper reporting of the *Magill v Magill* case from 2002-2006, it investigates the way the story has been framed in Australian newspapers as ‘paternity fraud’ and what that means for how DNA paternity testing is understood and used. The article then compares the findings with a later magazine report of interviews with the Magill children. The results show that, while the father and child’s relationship was central to the DNA paternity test itself, the way the story was framed as a gender contest between adults was so powerful that children and their interests became invisible.

Keywords: DNA paternity testing; father/child relationship; ‘paternity fraud’; media framing; infidelity; misattributed paternity

Introduction

The media plays an important social role in communication and information provision. It performs a particularly important function when new biotechnologies, such as DNA paternity testing, are introduced and used in the context of family relations. Its role is even more important when the technology and its human usages are controversial. Genetic paternity testing is a powerful new technology that has been traditionally used to test the relationship between a man and a child to see if they are biologically related. In the event that such a relationship is found to exist, under current legislation the man is financially responsible for the child – even in the absence of desire for a relationship with the child. More recently, a somewhat more complex version of this same paternity test has been used for the purpose of dis-establishing an existing parental relationship in order to effect the cessation of child support payments for a non-biological child. This article investigates newspaper reportage of *Magill v Magill* as one such case in which the husband sued his ex-wife for ‘paternity deceit’, following tests that found no biological relationship between him and two of his children. First, the article traces the development of the paternity test from its original usage to its current commercial application – which relied on its politicisation by various interests. It then analyses the *Magill v Magill* case study as the flagship case of ‘paternity fraud’ in Australia, and how this has been reported in Australian newspapers.

The Use of DNA Paternity Testing in Historical Context

The current method for DNA identity testing was first developed in 1984 by a geneticist in the United Kingdom and its initial use was in criminal investigations to link evidence from crime scenes to the perpetrators of crime (Gilding 2004). Although it was possible to use this same technology to test relationships between people, forensic testing remained the main use of DNA identity testing until well into the 1990s. Precursory to the uptake of DNA paternity testing, the Child Support Scheme was introduced in Australia in 1988 and implemented through the Child Support Agency (CSA). The purpose of the CSA was to enforce the payment of child support by non-custodial parents (usually fathers) to custodial parents (Edwards, Howard & Miller 2001). Under this scheme, the Family Court ordered DNA paternity testing when nominated non-custodial fathers denied biological paternity. This created a steady but limited customer base for the DNA identity testing laboratories and a substantial increase, by the late 1980s, in the number of private laboratories whose main trade was paternity testing (Gilding 2006).

DNA paternity tests were able to accurately and quickly identify genetic fathers with 99.9% certainty. But it was the ability of this powerful new technology to also show a non-biological relationship between a father and child, without having the consent or needing the participation of the mother, which tapped the commercial potential of the test (Turney 2006a). The new target consumers for this ‘motherless testing’ were non-custodial fathers paying child support for children of separation or divorce. Both industry entrepreneurs and Fathers’ Rights activists recognised the potential to advance their different and mutual interests. Instead of linking fathers to their biological children, the test could now be used to sever the paternal link between men and the children they had parented before separation or divorce (Turney 2006a). The father and child only test, though more complex and more expensive,ⁱ was advertised directly to men through late night television and, initially with sponsored links, through Fathers’ Rights websites (Turney 2004). These sites repeatedly and incorrectlyⁱⁱ claimed that infidelity among women was common and that fathers, especially those paying child support, needed to check their paternity status. The tests were marketed as ‘peace of mind’ tests for (usually) non-custodial fathers to check for themselves whether their children

were indeed biologically related to them. A negative test could absolve them of child support – something that the courts in Australia have generally upheld – along with enforced reimbursement by the mother of monies already paid in child support (Turney 2006a).

It was with politicisation of rare events, where a child of a marriage was proven not to be biologically related to the father through DNA paternity testing, that Fathers' Rights activists have been extraordinarily successful in gaining mainstream media coverage. They gained traction worldwide through bringing media attention to a small number of individualised, sensational stories, about women who cheated on their husbands, allegedly tricking them into believing they were the biological father of their children. The reason put forward was for these women to gain financial support for themselves and their children. This behaviour was branded as 'paternity fraud' – a new crime that had been uncovered through 'motherless' paternity testing. It potentially affected all men with children because of the widespread (mis)reporting in the media of extraordinarily high rates of infidelity and misattributed paternity, which implicated all women. In this context, it was essential for men to have access to the DNA paternity test, without the consent of the mother, in order to uncover this deceit. Furthermore these women, as perpetrators of the crime and newly exposed through DNA testing, needed to be aggressively pursued through the courts and punished. In this quest, Fathers' Rights activists have been successful in preventing legislative bans on 'motherless testing', in lobbying for change to the Family law Act to enable the recovery of child maintenance payments for fathers found through DNA tests not to be biological fathers, and in changing public opinion about the rights of men to use testing without the consent of the mother (Gilding & Turney 2006). They have done so through supporting and funding the *Magill v Magill* case through the courts as well as through concerted and targeted 'moral outrage' email correspondence to politicians, key stakeholders, supporters and media outlets.ⁱⁱⁱ In this manner, they have directly or circuitously brought media attention to a stereotypical case of paternity fraud. This case was *Magill v Magill*, which is significant because it has been the only court case in Australia that involved infidelity in marriage that resulted in two children found, at testing, not to be the biological offspring of the husband.^{iv} The passage of events through three court hearings is outlined below.

The *Magill v Magill* Case in Australian Newspapers

On November 14, 2002, Liam Magill, in the County Court in Melbourne, sued his ex-wife, Meredith Magill, for 'paternity deceit'. This was the first time such a case had been brought to a court in Australia. Seven years after their relationship had ended Liam Magill had found through DNA paternity testing that he was not the biological father of two of the three children borne by Meredith Magill during their marriage. He claimed that Meredith Magill had purposely deceived him into believing all three children were his, and the evidentiary case for this was that she had put his name on their birth certificates (*Magill v Magill* 2002). He sued her for compensation for the pain, suffering, humiliation and loss of earnings caused by her deceit. On November 22, 2002, the case made headline news across the country when Judge John Hanlon of the County Court awarded Liam Magill \$70,000 in damages. It was widely reported as a landmark case in which a father was recompensed for the deceit of his wife (for example: Kaszubska 2002; de Krester 2002; Healey 2004). However, in December of the same year, Meredith Magill lodged an appeal against the award of these damages with the Supreme Court of Victoria. This eventually resulted in the overturning of the decision to award damages to Liam Magill on March 17, 2005 (*Magill v Magill* 2005). The Court of Appeal found that there was no evidence that Meredith Magill had put Liam Magill's names on the children's birth certificates with the specific intention to deceive him. Following this, on November 18, 2005, Liam Magill won the right to appeal the case on the grounds of

Meredith's deceit. On April 7, 2006, the High Court of Australia considered whether the tort of deceit could be applied in marriage (*Magill v Magill* 2006). In November 2006, the final decision was handed down wherein six high court judges had found that the tort of deceit could not be applied in marriage, thus controversially ending the five-year saga.

Media Representations and Influence

The idea that the media have the power to influence both the public and the government has a long history, something that, according to Cunningham (1997), is firmly embedded in media legislation and regulation. In fact, Curran, Smith and Wingate (1987: 1) argue that it is almost impossible to make any statement about media communication 'without offering an implied model or theory of how information exercises influence'. There are a wide range of views regarding the level of influence the media has and how this influence operates. Kitzinger (2004) argued that there have been two main schools of thought: one based in the United States, that sees the media as simply relaying messages to the audience, and the other based in Europe, where the media and audience are seen to be involved in 'a mutual process of creating, modifying and transforming a 'shared culture'' (Carey cited in Kitzinger 2004: 11). Views about the extent to which the media is reflecting culture, interpreting it, or doing both, differ enormously, which makes it almost impossible to come to a clear conclusion as to how much the media and its audiences influence each other (Kitzinger 2004). This article takes the view that influence is a reciprocal process: the media giving its audiences what they want while, at the same time, shaping content in a way that appeals to them. How this works in practice though is contested.

Einsiedel and her colleagues (2002), in writing specifically about new biotechnologies, argue that media representations can be understood as a reflection of how the public come to understand an issue in social context. Rather than seeing the media as an independent provider of information to the public, they consider the media as 'one forum in which ... community conversations take place' and, as such, they 'may provide a window into our continuing reflections on technology in the context of modernity' (2002: 314). In this view, the Australian newspaper coverage of stories of DNA paternity testing should offer an insight into the 'community conversations' taking place regarding this biotechnology.

Another approach to the study of media influence has been to look for the impact that information in the media has on public policy. Kennamer (1992: 2) argued that the media is 'a major way by which the public is linked with the institutions and individuals concerned with governing'. The media influence what the public know about government policies by choosing which policy areas they report on, thereby taking on an 'agenda-setting function' (1992: 5). Furthermore, he argues that it is not just by deciding what is newsworthy, but how it is presented or framed that makes a difference on the impact it has, and whether or not it is accepted by the public. In turn, in a symbiotic way, policy makers may influence the media by giving press releases and 'leaks' in an endeavour to get more positive coverage of their issues. This reciprocal influence can lead to policy makers 'believing their own press' by assuming the media information, which they themselves have been involved in creating, is in fact a reflection of public opinion that legitimates their policies (Kennamer 1992: 8-10).

An example of such relationships between policy makers and the Australian press can be found in Edwards, Howard and Miller's (2001) work in which they outline the process involved in the development of particular Australian government policies. These authors, in their analysis, use press reactions as a measure of the level of public acceptance of social policies during their developmental stages. For instance, in discussing the development of the Child Support Policy, they state that a senior minister was prompted to take 'his concerns

about the proposed reforms to the Prime Minister' after he read an article in the *Australian Financial Review* (Edwards et. al. 2001: 80). They reported that the press played a major role in the government's ability to 'sell' their policies, and perhaps even influenced how they developed. Kennamer (1992) claimed that this reciprocal influence and subsequent refraction through media accounts, is one reason researchers often do not find a link between mass public opinion and public policy. In addition to this, he contends that because policy makers want responses to proposed policy from the public as a whole, and because the public do not usually provide responses in large numbers, there is a gap to be filled which can be, and often is, filled by pressure groups. In the case of policy and legislation related to DNA paternity testing, pressure groups are overwhelmingly Fathers' Rights activists, who have formed an organised and strong platform to lobby for government changes to Family Law around custody and access following separation and divorce. Many are bitter and angry about the outcomes of relationship breakdown. To these men, the direct and implied statements that 'paternity fraud' infers about, not only some women, but all women, resonate with them (Turney 2006b). It appeals also to the families and, in particular, to the new partners of non-custodial fathers who have to contend with the financial and emotional burden of their partners' children. In presenting Fathers' Rights Groups' well-rehearsed accounts that provide a rationale for the unregulated use of DNA paternity testing without the mother's knowledge or consent, the media play a crucial role in creating a public forum for debate that influences public policy. At the same time the media are seen to be listening to key stakeholders in the debate in the quest for balanced reporting.

Agenda Setting and Framing a Story

However, the idea that the media are more proactive than this and take 'agenda setting' and 'framing' roles in presenting information is well developed in the literature (see for example, Kitzinger 2004; Kennamer 1992; Bauer and Gaskell 2002). Kitzinger (2004), as one example, describes agenda-setting as the media influencing what we think about in the first place, rather than what we think about a particular issue. The media does this by choosing what to report on in the first place; but choices *not* to report, or non-decisions, are powerful ways of influencing what the public do or do not know (Cox, Furlong, & Page 1985). Framing, on the other hand is the more creative work that the media does; it shapes the story and therefore our understandings of it.

It is not simply a question of bias or what is said or left unsaid; frames are about how an account organises reality. In editorial terms this includes the 'angle' that journalists adopt in their approach to a story (Kitzinger 2004:15).

Aspects of a story such as the tone taken, which stakeholders' are given a voice, and which facts are put in and which left out, all serve to create a frame that we can recognise but of which we will not necessarily be conscious. In the present context, the story framed as 'paternity fraud' gives voice to the wronged man, who, through DNA paternity testing, finds he is not the biological father of a child for whom he has been socially and/or financially responsible. Gitlin described a frame as: 'A persistent pattern of cognition, interpretation and presentation, of selection, emphasis, and exclusion' (1980: 7). Thus, 'paternity fraud' expresses views that resonate with certain audiences, including the populist interest in 'reality' stories about the intimate affairs of others such as sex, infidelity and betrayal (Anderlik and Rothstein 2002). So the deceived father, pitted against the wrongs of the deceptive mother, sets up a clear frame: a black and white case that evokes outrage with which broad audiences can identify and about which they can express strong views.

Another consideration in relation to framing, is that many journalists whose work was included in this analysis, operate within a profit making environment and so must present the stories that will sell (Fairclough 1995). They are therefore also influenced by what is perceived to be entertaining to consumers and 'paternity fraud' is one such story that sells. It has all the hallmarks of a sensationalist story: a villain and victim of deceit engaged in a moralistic tale that draws its strength from entrenched traditional gender power relations.

Fowler (1991: 13) argued that there is a 'complex set of criteria of newsworthiness; so news is not simply that which happens, but that which can be regarded and presented as newsworthy'. One of the criteria he suggested that the media uses to consider whether an issue or event is newsworthy, is the ability to personalise a story by focusing on individuals as representative of a larger issue. In this regard, Liam Magill was presented as the face of 'paternity fraud' in Australia – the deceived, broken man, a victim of his wife's deceit. Fowler warned, however, that this personalisation of issues is dangerous because it 'avoids serious discussion and explanation of underlying social... factors', which are likely to be far more complex than that distorted through a single lens (1991: 16). According to Fowler (1991), personalisation is used in a political manner to influence the media consumer into identifying with, empathising with or disapproving of, the people described. This can lead to stereotyping, discrimination and exclusion of individuals and groups and any accounts that may be at variance with the dominant frame. Other accounts that do not fit the frame are thus disqualified.

Accordingly, using the notion of framing identified in the literature and Fowler's (1991) ideas of politicisation by personalising the issue, the case of *Magill v Magill*, as reported in Australian newspapers, is systematically examined for the component parts of the frame of 'paternity fraud', as well as the ways in which the key players are represented.

Method

The first part of the analysis below draws from a broader study of print media coverage of high profile stories in Australia. It focuses entirely on one case, *Magill v Magill*, as reported in the main Australian newspapers. It then makes a comparison with more recent coverage which was given to the case in the *Bulletin* magazine and which reports the case from a different perspective.

A search of all Australian newspapers for news items and editorial articles representing the Magill case from November 2002 to April 2006 was undertaken using the *Factiva* and *ProQuest* online databases. The dates reflect the progress of the *Magill v Magill* legal cases as they were reported in Australian newspapers. Editorial articles that discussed DNA paternity testing more generally, but were not based on the Magill case, were not analysed; nor were articles about paternity testing that reported research or made reference to the Magill case as part of a broader analysis of paternity testing. Only articles that directly and substantially addressed the Magill case were included in the main analysis. The data therefore comprised 17 hard news items (or factual reports) and eight editorials. Some articles were paraphrases of other, longer articles and if these did not add anything new they were also excluded. Where one article was used in several newspapers within one group, such as *News Limited*, with no substantial changes made, only one version of the article was analysed. This resulted in the analysis of 25 articles, although this number is not a reflection of the number of times the story appeared in newspapers, due to the exclusion criteria above. Each article was analysed for recurring themes on how the mother, father, children and their relationships were represented within the story. The summary results in relation to this analysis are presented below. They focus in particular on the way the children were

represented (or not represented) in the accounts given. Following that, the results are compared with a later account of the case that was published as the lead story in the *Bulletin* magazine in early 2007. This coverage, taking a different perspective, was a fairly lengthy single report of interviews with the Magill mother and children.

Results

How the Father was Represented in Newspaper Reports of *Magill v Magill*

Newspaper reports on the Magill case focussed almost entirely on the financial and emotional impact of paternity fraud on men (see for example: Kaszubska 2002; Healey 2004; Gregory 2005; Laphorne 2005; Madden & Leys 2005). Paternity fraud was presented as an issue that was widespread and needed to be legislated for in order to punish the perpetrators and enforce the repayment of child support to men who had been paying for non-biological children. Reports assumed that there should be legislation allowing men to sue for compensation for suffering as a result of the deceit involved in cases of paternity fraud. Only one report of the 25 considered another legislative concern, that of obtaining informed consent of all parties to testing before a test was undertaken (Sweetman 2004).

How the Children were Represented in Newspaper Reports of *Magill v Magill*

While the three children born within the Magill marriage were mentioned in nearly all articles, it was generally only to report the story of the two that were not biologically related to Liam Magill (see Munro 2002; Kaszubska 2002; Gregory 2005; Madden & Leys 2005; Robinson 2005a for example). Two early stories chose not to name the parents in order to protect the children (Kelly 2002; de Kretser 2002). However, reports prior and subsequent to these were not so circumspect, with one editorial providing explicit details of the children's names and dates of birth (Albrechtsen 2005) – this despite a media code of practice which serves to protect the names of children as innocent parties to legal cases. Only three articles (all editorial pieces) of the 25 expressed a concern for how the Magill children might be affected by the court case (Quigley 2006; Riley 2006; Sweetman 2004). While these articles make up a small minority of the newspaper reportage on the case, they do demonstrate that there are possible alternative ways of understanding the case. Quigley for instance asked: 'I wonder how they [the Magill children] feel now that the man they thought of as Dad wants to be reimbursed?' (2006: 26).

Overall reporting of the case framed as 'paternity fraud' meant that the children ceased to 'belong' to the father and therefore disappeared altogether in the debate. The father's previous, and not inconsequential, relationship with the children was rendered irrelevant and largely went unreported. In recounting the events associated with the *Magill v Magill* court case, the newspapers variously reported that Magill had been found '*not to be the father*' of Meredith Magill's children, of two of three children, or '*not the biological father*' of two of three children (authors' emphases). This reportage negated entirely his role as social or rearing father whereas the terms 'father' and 'biological father' were used interchangeably in relation to the other man. For example, one article stated that the two younger of the three children 'had been fathered by one of his mates' (Madden & Leys 2005), clearly giving priority to the biological.

The Relationship between Magill and the Children in Newspaper Reports of *Magill v Magill*

In reporting that Magill was not the father, the newspaper articles ignored the fact that he had been, for all intents and purposes, the rearing or social father of all three of the children for almost a decade before 1999. However, a small number of articles did acknowledge this when they reported that he had been caring for his children while Meredith Magill was 'psychologically ill' (Munro 2002: 5) and that 'he always believed he was the father of the children and had watched all of them being born' (Kelly 2002). These articles nevertheless treated that relationship as having been a 'mistaken' one, based only on an assumed biological connection that had, through DNA paternity testing, now been proven not to be real. Munro (2002) reported that Liam Magill continued to pay child support for all three children from 1993 (when the couple separated) until 1999, even though there had been a question about the paternity of one of his children since 1995 (Munro 2002). It would seem then that, according to these reports, Liam Magill, was quite clearly a present and (at least) financially supportive father to all three of the children from when the first was born in 1989, until 1999. Magill, as reported in this article, explained his physical absence from his children's lives since 1999 as being due to the effects of his ex-wife's deceit. He was reported as suffering 'anxiety and psychiatric illness' since finding out the results of the DNA paternity tests (see Kaszubska 2002 and Munro 2002 for example), and he was quoted as saying 'I love the kids dearly. I don't want the children to see their father in this state' (Munro 2002: 5).

Within the newspaper reports of the Magill case there was an underlying assumption that it is essential for children to know the identity of their biological father. It was assumed that the child was the property of the biological father, and knowing who their biological father was always and foremost in the child's best interests. Magill as the rearing father, and the importance of his relationship with the children, were issues generally not considered in the way this story was framed. The relationship Magill had with the children to whom he had been a parent was disregarded (perhaps because it was not considered 'real') and being found to be a non-biological father through DNA paternity testing meant he had no rights and no responsibilities *vis-à-vis* the children. The elision in these reports was the fact that one of the three was his biological son. So, whilst a child's relationship with their father was central to claims of 'paternity fraud', the children were largely absent from this account. Instead, the issue was reported as a battle between the parents (Kaebnick 2004), or more generally, a gender battle between men and women (Turney 2005). For instance, when he won the right to appeal the overturning of the damages awarded in the High Court of Australia, Magill was quoted as saying: 'It's a very important social issue that affects all the brothers, fathers, sons; all the male members of the Australian community... It's an issue that needs to be addressed at the highest level' (Robinson 2005b: 3); thus clearly centralising 'paternity fraud' as an issue, not just for himself, but a serious concern for all men.

The Voices of the Magill Children

Throughout the entire reporting of the court cases, Meredith Magill had refused to speak to the media at all. But then, on March 20, 2007, *The Bulletin* magazine ran a cover story in which she and her now teenage children spoke publicly for the first time about their side of the story and how the court case had impacted on their lives (Davies 2007). Meredith Magill explained that she had not spoken to the media during the court cases because 'No one wanted hear my side of the story. They just wanted to punish me and what good would that have done my children?' (Davies 2007: 19). In the interview with Davies, Meredith Magill did

not try to deny or excuse her behaviour: 'I know what I did was inexcusable in a lot of people's eyes... my kids have suffered the consequences. So have I.' (2007: 19). She explained that she had been 'young', 'depressed' and 'in a pretty horrible relationship' when she began the affair with another man who turned out to be the biological father of two of her three children. Davies stated that Meredith Magill had agreed to the (unpaid) interview when her children told her they wanted to speak publicly about the case, and she felt it was 'about time the forgotten victims in this... [her children] were heard' (2007: 19). So what did the children have to say?

Arlen, now 18, is Liam Magill's biological son who has 'not seen or spoken to his father since he was 11 years old, just after the DNA test results became known. That is his father's choice.' (Davies 2007: 20). Arlen's reason for speaking out was clearly stated in the interview: 'I want my dad to read this story so he realises just what he's missed out on' (2007: 20). Arlen said he that he felt that his father's behaviour was worse than what his mother had done: 'What kind of father sues his children's mother knowing that if he wins, his children lose? They end up homeless because the bloke wants to punish the mother. That's what dad has done and he nearly succeeded.' (2007: 21). Arlen was angry about Liam Magill's comments that were published in the print media, saying that: 'He fails to mention how he's neglected his kids. A loving father does not ignore his kids for seven years' (2007: 21). Arlen clearly suffers the hurt and loss of a biological father who, after having raised him during his early formative years, not only abandoned him and his siblings, but who has publicly embarrassed and humiliated his whole family over a five year period. He, a child, had nothing to do with the events associated with the conception of his siblings, but he had been made to suffer as a result of his father's public pursuit of these very private matters.

According to Davies, Arlen's siblings were 'clearly less interested in Liam Magill's absence' in their lives than he was (2007: 21). The two children who, at DNA testing were found not to be genetically related to Liam Magill, now are reported to have a relationship with their biological father. Bonnie, the middle child, claimed 'there's not a thing she misses about her other dad', that 'there is nothing worth remembering about the old days' and, when asked what she now calls Liam Magill, showed little respect for him in her reply: 'Let's just settle on dickhead' (2007: 21). She too had struggled with the very public outing of her mother's infidelity, and had been suspended from school for hitting someone for calling her mother 'the town bike' (2007: 21). The youngest child, Heath, stated that he believed that it was when Liam Magill's current partner (and Fathers' Rights activist) Cheryl King came into his father's life that he lost contact with his Dad, which was well before the DNA test was undertaken: 'That's when it all changed with Dad; that's when we stopped doing all the grouse things that we once did' (2007: 21)

Conclusion

The Invisible Child in the Story Framed as 'Paternity Fraud'

When describing Magill's relationship with the children after the DNA paternity test results, newspaper articles covering the Magill court case concentrated discussion on the fact that Magill was found *not* to be the father. However the three children, in their interview, clearly felt that Liam Magill was still their father and expressed anger and betrayal at being 'neglected' by him (Davies 2007: 21). To state, as many journalists did, that Liam was '*not* the father' emphasised the lack of biological connection above all else, ignoring the importance of the social role Liam Magill played in his children's lives prior to paternity testing being undertaken. This is significant because, according to the Magill children's comments in

their interview, the loss of their relationship with Liam Magill, the impact of his legal attack on their mother and their ongoing precarious financial position, were far more important in their lives than the results of the paternity test. This and Magill's statements seem to indicate that, once forged, the relationship between the father and children, whether biological or not, cannot simply be erased by a negative paternity test.

In this case at least (the flagship case of 'paternity fraud', nonetheless), concerns for the interest of the children were entirely suspended in the quest to punish the mother. This position is well justified in the story framed as 'paternity fraud'. However, it fails to take account of the impact of such legal action and biological knowledge on the children, whose relationship with their father was tested and negated. Furthermore, the actual biological connection with one child, in the end, was no more meaningful than the finding of non-paternity in relation to the other two: the father, whether biological or social, was effectively lost to all three children.

What the *Bulletin* story revealed was that there is an alternative reading of the events of the Magill case that has been effectively silenced by framing and reporting it as 'paternity fraud'. Such is the power of this frame, that the children's relationship to a man who was their father was effectively annihilated by a negative test. Taken as a whole, the newspaper coverage presents a dominant frame which privileges a certain reading of paternity testing, and what the results of such testing *should* mean for relationships within the family. In this frame, children and their interests are disqualified and made invisible.

Endnotes

¹ Because only the father and not the mother is tested, scientists need to identify matches with the child's DNA at more sites, making the process more time consuming and the results somewhat more difficult to interpret.

² The rates of non-paternity in the general community routinely cited ranged from 10 per cent to 30 percent. Several authors, in reviews of available evidence, have shown much lower rates of between 1 and 4 percent (Anderson 2006; Bellis, Hughes, Hughes & Ashton 2005; Gilding 2005).

³ For example, an email (also received by one of the authors) following the decision handed down by the High Court was circulated through these avenues, prompting two Coalition backbench politicians to raise the issue in the Federal Parliament calling for the mass paternity testing of all divorced and separated men who pay child support.

⁴ The only other court case in Australia that has been publicly reported is *Macdonald v Gray* (2005), which involved a non-committed relationship and one child. The court found in favour of the woman.

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