Article

Leprosy and the Plague: State Surveillance of Low-Income Fathers

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Abstract

Foucault's theory of state social control contrasts societal responses to leprosy, where deviants are exiled from society but promised freedom from social demands, and the plague, where deviants are controlled and surveilled within society but receive some state assistance in exchange for their cooperation. In this paper, we analyze how low-income fathers in the United States simultaneously experience social control consistent with leprosy and social control consistent with the plague but do not receive the social benefits that Foucault associates with either status. Through interviews with 57 low-income fathers, we investigate the role of state surveillance in their family lives through Child Support Enforcement, the criminal justice system, and Child Protective Services. Because these fathers did not perceive that they received any benefits from compliance with this surveillance, they resisted it, primarily by dropping 'off the radar'. Men justified their resistance in three ways: they could not afford to comply, they did not want the child, or they did not choose to separate from their child's mother. This resistance is consistent with Foucault's distinction between leprosy and the plague. These fathers believed that since they did not receive the social benefits accorded to plague victims they ought to be treated like lepers, excluded from social benefits but with no social demands or surveillance.

Introduction

In recent years, extensive political debate in the United States has discussed how to convince 'deadbeat dads' to pay more child support. Conservative and liberal politicians together have turned to Child Support Enforcement as a major solution to poverty among low-income families. This debate is highly gendered: the deadbeat non-residential parent we visualize is male and the struggling residential parent we visualize is female, suggesting that men who interact with child support enforcement agencies have a gendered experience distinct from women (Orloff and Monson 2002).

Child Support Enforcement is the strong legal arm of this debate. This state-run law enforcement agency is charged with enforcing child support laws and given a wide-range of legal tools to fulfil its mission. The most common tool is directly garnishing wages from a delinquent child support payee. Other methods used by Child Support Enforcement include charging interest or fees, confiscating state-held licenses including a driver's license, and sending delinquent payees to jail (Administration for Children and Families 2009). These methods raise important questions about the surveillance function of the state since, in order to enforce child support agreements, the state must take a more active role in surveilling and supervising low-income fathers' lives.

Using data from interviews with 57 low-income fathers, this paper analyzes how Child Support Enforcement couples with more traditional methods of state surveillance like Child Protective Services and the criminal justice system to create broad state surveillance of low-income fathers. We investigate

how low-income fathers experience surveillance, how they resist that surveillance, and how they justify that resistance. This paper has implications for understanding how social control operates within the United States today in the lives of low-income fathers.

Foucault's theory of state social control, particularly the distinction between leprosy and the plague, illuminates low-income fathers' relationship with state surveillance. In this paper, we use Foucault's discussion of the dichotomous illnesses of the plague and leprosy in order to analyze how low-income fathers experience surveillance, how they resist and comply, and what consequences they face for that compliance or resistance.

Surveillance

Leprosy and the Plague

Foucault distinguishes between societal responses to leprosy, where deviants are exiled from society but relatively free from surveillance, and the plague, where deviants are surveilled and controlled within society but receive some state benefits in exchange. In this section we discuss the literature related to surveillance, particularly the Panopticon, and explain Foucault's understand of leprosy and the plague.

According to Foucault, studying surveillance is important in order to understand how power operates in society. People who experience surveillance lack power relative to their surveillors. In fact, power is both symbolized by and created by the ability to supervise and monitor other people's behavior. Studying surveillance is important because it illuminates the function of power in society. Studying power dynamics is key to understanding how oppressive social structures, such as social class, are reproduced and maintained (Foucault [1977]1995).

The most commonly used theory of surveillance is based on Michael Foucault's vision of the Panopticon. The Panopticon is an architectural feature in a prison which allows an inmate to be under constant supervision by an unseen guard. As a consequence of this constant external monitoring, prisoners begin to monitor themselves to make sure they are compliant with prison expectations. This external and internal monitoring creates 'docile bodies': bodies that are compliant with official requirements (Foucault 1977 [1995]). Scholars have extended the metaphor of the Panopticon far beyond prisons to examine how surveillance takes place in multiple avenues of everyday life (Bain and Taylor 2000; Crowley, Payne and Kennedy 2013; Spears and Lea 1994).

Recent scholars have questioned the widespread use of the Panopticon as a metaphor for surveillance because it is dated, does not provide means of resistance, and because Foucault never intended it to be the penultimate symbol of surveillance (Haggerty 2006). Instead, researchers have suggested alternative metaphors to understand surveillance. The most widely suggested alternatives to the Panopticon are the model of the surveillant assemblage (Haggerty and Ericson 2000) and Actor-Network Theory (Murakami Wood 2007). The surveillant assemblage is a theoretical approach that focuses on the data resulting from surveillance and the relationship between that data and the individual from which it stems (Haggerty and Ericson 2000). The Actor-Network Theory focuses on the interaction of actors, both human and non-human in society (Murakami Wood 2007).

In contrast, Elden (2003) suggests turning to Foucault's own medical models of social control, particularly Foucault's analysis of social responses to the plague and leprosy. Green (1999) extensively studies the response to the plague as a more useful description of surveillance in our current society than the Panopticon. Milchman and Rosenberg (1996) also return to the theoretical concept of leprosy and the plague to analyze the treatment of Jews as 'lepers' under state control in Nazi Germany. Lyon (2001) does not use Foucault's language about the plague and leprosy, but does speak extensively about the tension between surveillance that is exclusionary and surveillance that is inclusionary, concepts which map neatly

onto Foucault's analysis of leprosy and the plague. In this paper, we return to Foucault's distinction between leprosy and the plague in an effort to demonstrate its untapped relevance for surveillance research today.

According to Foucault, the history of social control was illustrated by the history of leprosy and the plague (1977[1995]). In the medieval period, when presented with a leper, the societal response was to exclude the leper from society. Thus, historical responses to leprosy involved banishment and exile. In contrast, when presented with the plague, the societal response of the latter 17th century society was to lock people into their homes and monitor them extensively from within—quarantine rather than banishment. Norris eloquently summarises these two different societal responses:

Power over the plague victims is exercised by 'differentiation', 'segmentation', and 'training'. In contrast, power over the leper is managed by enforced 'segregation', 'separation', 'confinement', and 'exile'. ...Leprosy is managed by exclusion, the plague through inclusion. For Foucault, the history of social control is composed of the interplay of these two forms of power and the 'panopticon is the architectural figure of this composition'.

(2003: 250)

According to Foucault, as society progressed, lepers became increasingly treated like plague victims: categorized and disciplined within society rather than excluded from it. Treating lepers like plague victims helped lead to the vision of Panopticon: people could be disciplined within society rather than excluded from it. This discipline within society, specifically in a prison, restores them as a docile body, ready to return to society at large.

However, for this paper we return to the difference between these two types of social control, as exemplified in the different medieval treatment of plague victims and leprosy victims (quarantine versus exile), rather than their compatibility, as exemplified in the concept of the Panopticon.

Social Benefits

Few scholars have examined the relationship between social control and social benefit to individuals and Foucault only remotely commented on this issue. However, a careful reading of Foucault suggests possible benefits to individuals for complying with the strict discipline expected of plague victims, including the benefit of living with less confusion, less fear and death, rations of bread and wine, and the privilege and perils of living in 'the utopia of a perfectly governed city' (Foucault [1977]2005: 195-198). Of course, plague victims also faced the downside of constant social control over even the minutia of everyday life. In other words, for those controlled within society (plague victims), according to Foucault, the state purportedly owed them the right to certain forms of state assistance (bread, wine, governance, order) in exchange for their cooperation with extensive state surveillance and regulation.

Foucault did not explicitly suggest any possible benefit to lepers for complying with social control that put them in exile, except for the benefit and curse of being left alone 'to his doom' (Foucault [1977]2005: 196). For those banished from society (lepers), one could argue that Foucault believes that the state owes them the right to be left alone in their banished state, so long as they comply with their exile. In other words, being banished from society could be seen as consistent with freedom from some forms of state surveillance.

In other words, while people in a plague-torn society face a fundamentally different relationship with the state than those in a leper-torn society, both groups receive some potential benefit for compliance with state control: plague victims receive bread, wine, and social benefits, and lepers receive freedom from state intervention.

Surveillance and Low-income Families

The purpose of this research is to explore the experiences of low-income fathers with state surveillance, since low-income fathers' experiences with surveillance have been understudied in the literature. However, before turning our attention to low-income fathers, it is useful to review what is known about low-income mothers and surveillance. Extensive previous research investigates how the state monitors low-income women, particularly mothers receiving welfare.

Maki (2011) uses the case study of Canadian women who receive welfare and persuasively argues, 'that welfare surveillance is not benign and, in the service of the neoliberal state, acts as a direct assault on the poor' (2011: 51). Geva (2005) shows how low-income families who receive welfare, particularly women with children, have historically been governed and disciplined by the state. Moffatt (1996) investigates how welfare agencies in the United States have historically operated as a technology of power to discipline low-income women in order to achieve increased social stability. Henman and Marston (2008) argue that surveillance unevenly impacts low income people and reinforces the social power of the privileged. Little (1994) discusses how low-income Canadian mothers must submit to regular, involuntary surveillance by the state in exchange for their receiving welfare benefits. Hays (2003) demonstrates how women in the United States can only receive welfare by surrendering to extensive state surveillance, including allowing the state to monitor their childcare practices, home life, and work activities. In other words, they are treated as Foucauldian plague victims: given substantive benefits only by accepting extensive state intervention, surveillance, and regulation.

In perhaps the most extensive work on the subject, Gilliom (2001) reports on how low-income women negotiate the surveillance in their lives as they receive welfare. He finds that state agencies monitor women extensively, that they resist that surveillance through passive means like 'forgetting' to return phone calls to state officials, and that they justify resistance to that surveillance because of the need to support their children. They cannot financially exist on either welfare or work alone and they must deceive the welfare system about their work activities in order to receive the benefits of both.

While research on state surveillance of low-income mothers is broad and quite comprehensive, much less research has been done on surveillance of low-income fathers by the state.¹ Mandell (2002) examined 'deadbeat dads' in Canada and how they resist surveillance. Importantly, she notes that these fathers resist efforts by the welfare system to convince them to comply with financial obligations to their children because these obligations are inconsistent with their own identities. Specifically, these men did not have a personal identity as a father, and the state was trying to force one on them. She also notes that men's contact with surveillance institutions, unlike women's, is almost exclusively through law enforcement agencies, rather than social service agencies. In addition, in contrast to low-income mothers who receive welfare benefits in exchange for surrendering privacy, she finds that the men in her study have no incentive to cooperate with the state because they receive no benefit from that cooperation. According to this researcher, for the low-income fathers she studied, surveillance institutions are punitive and largely involuntary.

However, despite much discussion of surveillance among low-income families, no previous study has specifically investigated how low-income fathers experience surveillance in the United States nor how they resist and justify their resistance to that surveillance. This lack of research on low-income fathers' experience with state surveillance is problematic since findings about low-income mothers' experience with state surveillance are not necessarily generalizable to low-income fathers. In this paper, we attempt to

¹ There is substantial research on the experiences of 'deadbeat dads' more generally, outside the theoretical paradigm of surveillance (Furstenberg 1988; Hobson 2002; Lamb et al. 1987; Lupton and Barclay 1997).

fill this gap in the previous literature by shedding light on low-income fathers' experiences with state surveillance.

Methods

The first author conducted 57 semi-structured interviews of urban low-income fathers² as part of a larger project. While random sampling is desirable for large-scale quantitative analysis in order to improve generalizability, targeted purposive sampling is more common in theory-generating qualitative research in order to uncover the mechanisms that lead to particular patterns and to offer in-depth understandings of processes affecting particular groups (Patton 2002).

Multiple recruitment methods were used in order to obtain a broad sample of low-income men: a newspaper ad placed in a widely circulated free newspaper, a flyer, snowball sampling, an online advertisement, and direct contact with low-income fathers that were encountered while interviewing other fathers. The first author asked several screening questions when men contacted her to make sure that they fit the sample criteria. The selection criteria were men who knew or believed that they had biological children currently under the age of 18 or who lived at least half of the week in a home with a child under 18. Interviews were conducted with men who made less than \$35,000/year.

During the interview, men were asked detailed questions about their reproductive history, their children, their relationships with their children, their beliefs about fatherhood, and their fathering behavior. The first half of each interview focused on about men's behavior as a father, including information on their child support contributions, what name the child uses to refer to him, whether or not they have ever sought custody, how often they lived with the child, and who provided childcare during different parts of the child's life. In the second half of the interview questions were asked about beliefs, including what they believe makes a good father, what they believe defines responsible fatherhood, what advice they would give to a young father, policy issues around fatherhood, and what they would want policy makers to know about being a father. The interview schema was pretested on four interview subjects and made adjustments accordingly.

Demographics of the participants included men of multiple races, ages, and marital status. The average age of the interviewed subject was 36.34 years old. Men were asked to self-identify their race: 25 men identified themselves as Black, 16 men identified as White, 7 men identified as Hispanic, and 7 men identified as another race or as mixed race.³ At the time of the interview, 29 men were single, 20 were divorced, 6 were currently married, and 2 were separated. In terms of employment status, 24 men were unemployed and 31 were employed. The most common level of education was a High School degree or its equivalent. The most common level of income was between \$20,000 and \$30,000. Approximately 56 per cent of these fathers were employed and 44 per cent were unemployed.

² We define 'low-income' as under \$35,000 because this number was approximately 2.5 times the poverty line for a household of two people in 2007 (U.S. Bureau of the Census 2007).

³ Phillipino/French Creole, Mexican/Italian, Hispanic/White, Palestinian, Fijian-American, Black/Mexican, and Black/Creole/Indian.

Characteristic	Mean or percent (frequency)
Age (in years)	36.34
Race	
Black	44% (25)
White	28% (16)
Hispanic	12% (7)
Other	12% (7)
Marital status	
Never married	51% (29)
Married	11% (6)
Separated	4% (2)
Divorced	35% (20)
# of children	2.93
Education	
Less than HS	19% (10)
HS/GED	40% (21)
Some college	30% (18)
Assoc degree	4% (2)
BA	2% (1)
Post-grad	2% (1)
Income	
< \$10,000	33% (15)
\$10,000-19,999	23% (10)
\$20,000-29,999	37% (16)
>\$30,000	11% (5)
Employment status	
Employed	56% (31)
Unemployed	44% (24)
N	57

Table 1: Descriptives for Demographic Characteristics in the Sample of Low-Income Fathers

Interviews were recorded on a portable tape recorder and transcribed for qualitative analysis in Atlas.ti. Throughout the data collection process, the first author did constant comparative analysis of each interview to previous interviews and shaped the interview process accordingly. Data were collected until saturation was reached and no new data was obtained from additional interviews. After collecting all of the data, it was systematically coded, paying particular attention to the themes that emerged during the interview process. Specifically, the data were coded for mention of Child Support Enforcement, the criminal justice system, Child Protective Services, surveillance, and resistance to surveillance.

Findings and Observations

Fathers reported that the state surveilled their family life through three institutions: Child Support Enforcement, the criminal justice system, and Child Protective Services. They resisted this surveillance primarily by disappearing from the public eye. Fathers justified their resistance in three ways: they could not afford to comply, they did not want the child, or they did not choose to separate from the mother.

*Surveilling Institutions**a. Child Support Enforcement*

Seventeen (30 per cent) of the men that were interviewed mentioned some sort of interaction with Child Support Enforcement. Specifically, they reported wage garnishment from their pay checks, which required state monitoring of their income and employment. For many of these fathers, they reported that this money was not typically transferred directly to their children or their children's mother, but instead went to the state to reimburse any previous welfare that the mother received while raising the child. This amount also included extensive penalties and interest. Terrell,⁴ a Black father with seven children owed a total of \$1695/month to the state. This amount was taken directly out of his pay check:

Terrell: My kids don't get the whole \$1695 and the cold thing about the \$1695 is that out of the \$1695, the money that goes to the kids is only \$200.

Interviewer: How come?

Terrell: Because the moms all got on welfare. And welfare says that if you get welfare from the state of California ... and the father of your children pays child support, you only get \$50 a month in child support and the rest of the child support goes to paying the welfare back.

Interviewer: How do you feel about that?

Terrell: Sour. Kids lose, I lose 'cause I'm working my ass off, don't have any money. The kids lose because \$50 a month is not enough for the kid. And the moms lose 'cause not only does she have to keep the kid and deal with only getting \$50 a month but welfare is below the poverty line.

While there was no way for us to confirm this man's accounting of his child support dues or how much his children actually received, his accounting is consistent with California state policy. This policy states that the majority of child support payments be used to reimbursing the state for women's welfare costs, penalties and interest, and associated fees before going to the actual child.

Men reported multiple strategies to avoid wage garnishment: obtaining employment using a fake social security number, working at jobs that did not require a social security number, working in the underground economy, and changing jobs frequently. Terrell earned his income by recycling bottles and cans, recycling old cell phones, selling drugs, and participating in medical research. Unfortunately, every month that he was unable to pay \$1695, he received additional penalties and interest.

b. Criminal Justice System

While our focus was on low-income men's lives as fathers, it is impossible to disregard the substantial impact of the criminal justice system on these men's everyday lives. Previous research has shown that low-income men, especially non-white men, are disproportionately represented in prison populations (Pattillo et al. 2006). A full 47 per cent of the men in this study had served some period of time in jail. For many of these fathers, probation officers, police presence, and virtually constant interaction with the criminal justice system was part of everyday life. This was particularly the case for men who supported themselves through the underground economy.

Fathers reported surveillance by the criminal justice system in multiple ways. Probation officers required bimonthly reports indicating clients' employment and residence. These reports also required them to

⁴ All names are pseudonyms.

certify that they remained in a limited geographic location, like the city or state. Police officers questioned men who were in public at night or who slept in their car or on the streets. Restraining orders limited where these fathers were permitted to travel geographically, and also restricted the type of contact men could have with their children.

Finally, associating with other criminals brought the risk of ‘spies’. Antonio, a Mexican-Italian father of three, was turned into the police by a friend for making fake IDs. He reports:

If you ever got busted in Santa Clara, one of the first things the police officer says when you’re arrested for anything is, ‘Give me three and I’ll set you free’. And he responded with, ‘I know somebody’. And so he [a friend of his] pretty much handed me on a silver platter to them.

Indeed, after this encounter, Antonio spent three years in prison.

It is clear that the criminal justice system surveills these fathers’ lives both by removing men from their home for prison terms and by monitoring them within their homes in between terms. This suggests that low-income fathers experience high rates of state interference in their private lives through their interaction with the criminal justice system.

c. Child Protective Services

Five (9 per cent) of fathers mentioned contact with Child Protective Services (CPS), specifically when CPS determined that the mother who was raising their children was an inappropriate caregiver and they were approached about taking custody. Multiple analyses have demonstrated the harm often caused to families and society in general due to Child Protective Services (Lindsey 2003; Pelton 1989; Roberts 2003; Wrennall 2010). These men interacted with CPS in a very unusual way, and actually experienced a benefit from their interaction. Rather than CPS criticizing their home and removing their children, for these non-residential fathers, CPS is what led to their children being placed in their home after being removed from their mother’s home. Therefore, for these men, CPS was certainly a supervisory force, but it also resulted in benefits, namely, access to their children.

This type of contact was not as pervasive as Child Support Enforcement or criminal justice system encounters. In addition, this kind of contact substantively differed from the previous two types of contact because it was more voluntary for the non-residential parent. Tyler, a 20 year old father of one, reported this contact with CPS:

Tyler: They called me out of the blue saying I need to go get my son out of foster care. ...And I went to court, they gave me custody, they did a house evaluation and everything. They said my house was alright for him to live in that I have clothes for him, shoes, socks. So he’s more stable with me than when he was his mother.

Interviewer: So when will the kid live with you?

Tyler: I have to go to a parenting class first. And I have to go to a narcotics class and an AA class. They just do their classes just to make sure, you know, that the parents are fit. I just signed up for them...and they put like two or three classes in, and they tell the worker that I signed up, and she’ll call down there, then she’ll give me my son, but I still have to keep going to those 12 Step classes. I have to go once a week. To every class. Which are narcotics anonymous, alcohol anonymous and parenting classes.

In this illustration, Tyler reports several points of state surveillance in order to obtain custody of his child. He participated in a house evaluation to determine if the child had adequate clothing. A social worker also monitored him to make sure he attended three different classes weekly. He reported that this monitoring would continue even after receiving physical custody. Notably, Tyler had to submit to this surveillance in order to obtain access to his child even though he had not done anything wrong: the child was not removed from his home; the child was removed from the mother's home.

Miguel, a 38 year old father of five, was entitled to visitation with his children but required to have official supervision by CPS officials during the visit. He reported:

See one of her brothers told me that she thinks I'm gonna take off to Mexico with my little girl, I said, 'I don't even know anybody in Mexico, I'm not even from Mexico'.

Some fathers in this study reported extensive surveillance through Child Protective Services. Although they found that surveillance unwelcome, they reported that it did have positive aspects: it gave them more access to their children.

Surveilling Institutions: Discussion

If we take into account Child Support Enforcement, the criminal justice system, and contact with Child Protective Services, we form a total picture of men who experience remarkably little privacy in their family and personal lives. A majority of the men in this study reported interaction with at least one of these agencies. Nearly every aspect of their lives is subject to some state surveillance and intervention: their residence, their employment, their bank accounts, their professional licensure, their passport, their tax refund, their presence in public areas (particularly at night), what geographic areas they were permitted to access, and their friendships with people who receive incentives for reporting them to the state. For men who had contact with Child Protective Services, surveillance also extended to house inspections and a case worker who selected, required, and monitored attendance at classes. Notably, aside from Child Protective Services which helped these men gain access to their children, these men received no positive benefit from cooperating with surveilling institutions.

From a theoretical perspective, it is noteworthy that these three institutions fill different roles as supervisory agents. The criminal justice system supervises men through both exclusionary and inclusionary means. Like lepers, these fathers are periodically excluded from society through periods in jail (Foucault 1977[1995]). However, like plague victims, they are also disciplined and supervised extensively by the criminal justice system within their homes in between jail terms through probation and policing. In contrast, Child Support Enforcement and Child Protective Services are exclusively inclusionary supervisory forces: like plague victims, they supervise and discipline men while encouraging them to remain in the system. Thus, while the criminal justice system supervises men both as people inflicted with the plague and as periodic lepers in exile, the child focused agencies only supervise these men as though they are inflicted with the plague.

While we do not have direct comparative data, the extensive surveillance reported by these fathers appears somewhat consistent with findings from previous literature about the surveillance experienced by low-income mothers with a few notable differences. First, these fathers experienced surveillance through different state agencies than previous research has found that mothers experience. Specifically, these fathers experience surveillance through Child Support Enforcement and the criminal justice system; previous research has found that mothers experience surveillance through welfare services. Second, these fathers had largely positive, not negative, experiences with Child Protective Services. Third, with the exception of interaction with CPS, these fathers did not receive financial, health, or other welfare benefits in exchange for their surveillance. It is beyond the scope of this paper to suggest that fathers or mothers

experience more intrusive surveillance: instead we note here that both groups appear to experience unwanted surveillance, albeit through different agencies.

Resistance: How Do Fathers Resist Surveillance?

It is common sociological knowledge that powerless people often resist powerful institutions. In the now classic work, *Weapons of the Weak: Everyday Forms of Peasant Resistance*, James Scott suggests that powerless groups often resist in passive, rather than active ways (1987). This passive resistance can, at times, lead to collective change. Gilliom applies this concept to the welfare state: 'Once elaborate systems of bureaucratic surveillance are erected, it may be especially difficult to confront them with conventional political challenge...Everyday tactics of evasion, subterfuge, and concealment, then, may very well become a defining form of politics in the surveillance society' (2001: 101).

In this research, low-income fathers demonstrated efforts at resistance, primarily by trying to avoid surveillance. These low-income fathers can easily be seen as relatively powerless: they are marginalized by society, they are low-income, they have contact with the criminal justice system, and they have little say in the surveillance policies that impact their daily lives. Consistent with previous research about powerless people, the primary method of avoiding surveillance was engaging in 'evasion, subterfuge, and concealment' (Gilliom 2001: 101).

For a few fathers, this resistance involved trying to convince mothers to not list them on the child's birth certificate or efforts to avoid a legal child support order. But for most fathers we interviewed, they had already begun to experience extensive state surveillance and it was too late to try to get their name removed from these official records. For these fathers, resistance primarily involved periods of invisibility or going 'off the radar', in which their economic activities could not be tracked through official channels. This was a particularly common approach for avoiding garnishment of their wages but it was also a valuable strategy for avoiding contact with the criminal justice system. By switching jobs regularly, performing underground or illegal work, or avoiding paid work altogether, these men were able to avoid losing the money they needed to survive. Terrell, a 35 year old father of seven, needed a car for work. He described the strategy he planned in order to get that car:

I have to get a second job, work at a second job for anywhere between three to six months, before child support catches up. Now what I gotta do with this second job is take all the money from my second job and I can't put it in the bank because they'll take it... they'll wipe my bank account out to zero. So what I have to do is work a second job, save every penny and buy a car with it within the six months.

Terrell is using three types of 'invisibility': he is working at a second job where he will not be officially detected for three to six months, he is hiding money by not putting it in a bank account, and he is putting his assets into a car, which is protected from state garnishment. It is worth noting that Terrell did contribute money to his children during this time even though he did not pay official child support.

Maurice, a 46 year old father of five, described his withdrawal from paid work because he was unable to financially support himself through official work.

I'm supposed to pay \$1021/month on child number four. I got behind when I went out of work for a while, so for three years they didn't get any money. ... I had to stop working just recently again, because I was like, you know, if I make 100 you're gonna take 50 and then I have, you know... the cost of rent, the cost of gas, the cost of living and support... I was like, hold on, you know, this is not working out for me. I had to stop working.

By avoiding any official work, Maurice was able to work at underground jobs which allowed him to keep the money he earned and avoid constant surveillance.

Men also became invisible to the public eye by avoiding a permanent residence. These men avoided having official housing by choosing short-term housing with a lease in someone else's name. Other fathers lived with friends or family, in their car or a shelter, in motels, in illegal housing, or in apartments with very short-term rental agreements. While not all men selected this type of housing consciously or because of concerns about surveillance, some men did report choosing this type of housing because it provided privacy. By taking this approach to housing, some fathers were able to retain a degree of privacy in their personal lives.

It is perhaps more compelling to examine the tools that men did not use to avoid surveillance. In contrast to what we might expect, men did not use official channels to avoid surveillance. No father in our study reported making any formal complaints about privacy invasion. This finding is consistent with Gilliom (2001) and Scott (1987) who found that powerless people are unlikely to make official complaints because these they do not perceive that official complaints are likely to have any chance of success.

Methods of Resistance: Discussion

Gilliom's conceptualization of evasion as a form of passive resistance is one way to understand these fathers' choice to remain invisible. However, Foucault's theory about the plague and leprosy provides an alternative theoretical perspective on the choice on invisibility. From a Foucauldian perspective, different types of surveillance demand different types of compliance and resistance. To comply with surveillance that is inclusionary (plague), people must cooperate with the rules and regulations and become docile bodies in the hands of supervisory powers. To comply with surveillance that is exclusionary (leprosy), people must accept their banishment from society and not try to return. According to Foucault's theory, to resist surveillance that is inclusionary (plague), people do not cooperate with rules and regulations, do not self-monitor, and do not obey supervisory powers. To resist surveillance that is exclusionary (leper), people try to return to society that has banished them. The fathers interviewed are treated as both lepers and plague victims: simultaneously exiled from society and quarantined within it.

Notably, becoming invisible can be conceptualized under Foucault's theory in two contrasting ways: as resistance to inclusionary surveillance demanded by plague victims or as cooperation with exclusionary surveillance demanded of lepers. While the low-income fathers in this study attempted to be treated as lepers, banished from society but free from its surveillance, the state surveilling institutions attempted to treat them as plague victims. However, the state did not provide them the benefits that would normally be accorded plague victims. In light of the fact that they did not receive any of the purportedly promised benefits from compliance with being treated as a plague victim, fathers choice to remain invisible makes sense: since they receive no state benefits anyway, they would rather be treated as a leper with its subsequent freedom.

Justification: How did Men Justify Resistance?

We now turn our attention to how men justified their resistance. Our goal is to show how these fathers interpret and explain their own resistance to state surveillance. In presenting these findings, we are not attempting to argue that these reasons are just or unproblematic. Indeed, some of these methods of resistance directly harm children and mothers and do not cause harm to the state. However, our goal here is to give voice to how these men made meaning out of their own behavior. Men reported that they justified resistance to surveillance in three ways: they could not afford to comply, the child was unwanted, or the separation from the mother was unwanted.

a. *They could not afford it.*

The primary method for justifying resistance to surveillance was their own material need. Men reported that they simply could not financially survive in the face of wage garnishment or without income from criminal or underground work.

Wallace, a 45 year old father of one, reported a Child Support Enforcement debt of \$61,000. Like other men, the majority of this money was due to the state for penalties and fees with a much smaller portion actually due to his child. Wallace explained that he was using criminal sources to try to get money to pay back some of the Child Support Enforcement debt so that he could keep his driver's license. He was currently unemployed but he was applying for a job working as a truck driver. He cried as he explained his situation with his ex-girlfriend:

I might lose my license in March because of this. So I'm having this people try to help me figure out how I can keep my license, because without my license I'm going to be going back to jail for just something stupid. And I don't feel like I'm a deadbeat dad, because I paid it for six years straight, \$711 dollars a month for six years. ... But the last six years, yeah, I've been... I mean, I owe credit card companies, I owe child support and it's, you know, I get emotional over it. Except now I'm [in] arrears, so now it's like \$918. And that's really ridiculous. I mean, I couldn't even pay that if I made \$1400 a month.

Given the financial reality of life in the city where the interviews were conducted, where a full time minimum-wage worker would earn about \$1200/month,⁵ it is very difficult to imagine how Wallace would financially be capable of paying \$918/month in child support.

Similarly, Antonio, a 37 year old father of five, justified avoiding surveillance by explaining the material reality of his life:

Well, considering what I make here, I make about \$720 a month, I pay my rent, I pay my bills, whatever money I have left over I usually use when I go over to see them, and to pay for the movies and whatever food, so usually I don't send very much.

In the face of severe poverty, these men felt that paying child support, along with its interest and fees, was simply not within their financial ability. Thus, they believed that avoiding surveillance was a survival strategy to meet their own very real material needs.

b. *The child was unwanted.*

Second, men mentioned justifying resistance to surveillance because they felt that they did not choose to have the child.⁶ Similar to previous research, which found that men resisted paying child support because it tried to enforce an identity inconsistent with their own (Gilliom 2001), these men also resisted surveillance that tried to enforce a relationship with a child they did not choose. In some cases, men claimed that their child's mother lied about her use of birth control. In other cases, men claimed that their child's mother refused to have an abortion, which they believed she should have had at their request. In

⁵ Minimum wage in California in 2007 was \$7.50/hr. We assumed 160 work hours a month.

⁶ The position reflected by these fathers in this section is one that is truly unpopular in our society today. Few, if any, public figures or academics argue that men should have the right to legally sever ties with a child solely because they did not choose to conceive that child. Further, any effort on the part of potential fathers to impact women's decision to have an abortion presents a real threat to women's bodily autonomy. In presenting this perspective in this section, we are trying to give voice to an unpopular position. By doing so, we are not condoning this position. We are only stating that fathers with this perspective have the right to have their opinions and beliefs included in academic research.

these situations, men believed that since they did not want the child, they did not have an obligation to provide for the child.

Xavier, a 31 year old father of five, had a one-time sexual encounter with a woman who was in a long-term committed relationship with another woman. When she told him that she was pregnant, he told her that he did not want the child. Xavier came to the hospital after the birth to meet his newborn and describes this experience:

She told the security at the front desk that the father of her kid may try to come in... matter of fact, she told them that me and my little baby son couldn't come up. I said 'my little baby son wants to go see his brother', and she told the security that we both couldn't come up. I snuck in and she had the nurse throw me out of there. She did me dirty. Real dirty.

Xavier did not meet his child for the first time until the child was one year old. The woman maintained her long-term relationship with the woman that she had been dating. Nevertheless, she applied to the court for Child Support Enforcement services immediately after the birth. Xavier justified his avoidance of that child support and hiding from surveillance because he did not want the child, he was not permitted any access to the child, and because, in his opinion, another caregiver (the woman's partner) should have been responsible to provide for the child. Although it is possible that this woman was forced to declare paternity in order to receive welfare services, Xavier believed that the woman chose to declare his paternity voluntarily.

c. The separation from the mother was unwanted

Men also justified their resistance to surveillance because they did not choose to separate from the mother. If a woman wanted to end the romantic relationship, these men believed that she was also choosing to end the father's relationship with his children. Wendel, a 39 year old father of one, reports that his ex-wife was very angry with him for his lack of attention to his child and for avoiding Child Support Enforcement:

[His ex-wife said] 'Why don't you spend time with him? How come you haven't contacted him? How come you don't give money? How come you are not around?' Along those lines. 'You need to be around because he's growing up'. So I told her, 'you should have thought about those things when you got the divorce'.

The conflation of paternity with partnering led some of these fathers to opt out of parenting when the partnership ended. This was particularly true in cases where the father did not want to end a relationship with the mother.

It can be difficult to understand how fathers could choose to terminate a relationship with a child because the relationship with the child's mother ended. However, this finding is consistent with previous research, which finds that many fathers have a 'package deal' mentality when it comes to parenting: being a partner and being a parent are innately connected (Townsend 2003). As Townsend found, for some low-income fathers, their commitment to their child and their commitment to their partner are so completely intertwined that they cannot be reasonably separated.

Justification for Resistance: Discussion

It is useful to analyze these justifications for resistance in light of Foucault's metaphor about social responses to the plague and leprosy (1977[1995]). Part of how men justified their resistance to surveillance was by asserting their own exiled status as 'lepers'. They believed that state-sponsored power in the decision making process over childbearing and partnerships had exiled them from family life. Specifically, they did not have enough money to meet state child support demands (which they also had

little control over), they did not have a choice about whether to have a child after the time of conception, and they did not have a choice about whether their partner divorced them. In other words, feeling excluded from decision-making about family life drove some of these men out of family life completely.

In a sense, we could conceptualize their resistance to child involvement as actually being in compliance with an exiled status. In Foucault's initial analysis of leprosy, resistance to state surveillance is an acceptable behavior for a leper excluded from society: since the society has banished them, they are no longer accountable to it. From their own perspective, society has exiled them from control regarding their own family life, thus, they feel they are no longer accountable to it.

Perhaps the challenge for these fathers is that they are treated as both lepers and as plague victims—two social control systems with radically different expectations. Leprosy and its subsequent exile from society provides no social support, but also no state intervention in private life. In contrast, plague victims must accept state intervention in their private lives, but they also receive state benefits for doing so. The men in this study were treated as lepers (exiled from society), but expected to behave as plague victims (compliant with state surveillance). These men did not receive the benefits accorded to plague victims (food, sustenance) or lepers (the right to be left alone). In light of this analysis, the fact that they resisted should come as no surprise: they have no incentive to cooperate.

Conclusion

To review, the low-income fathers we studied reported that their family life was under surveillance by the state through three institutions: Child Support Enforcement, the criminal justice system, and Child Protective Services. They resisted this surveillance primarily through becoming invisible and dropping 'off the radar'. This can be conceptualized as either resistance to state surveillance or as compliance with their exiled status. Men justified their resistance in three ways: they could not afford to comply, they did not want the child or they did not choose to separate from the mother. In Foucauldian terms, these fathers believed that they were exiled from society, thus they did not feel an obligation to comply with state control.

There are certainly limitations of this research. First, we only included interviews with low-income fathers. Because we did not include a comparison group of high-income fathers or low-income mothers, we cannot analyze how these subjects differed from others on the basis of income-level or gender. Future research should certainly investigate how the experiences of low-income fathers differ from low-income mothers as well as high-income fathers. Second, the data came entirely from the fathers themselves. We did not attempt to verify the validity of the information that they provided. Future research should certainly include multiple data points to improve the validity of research results on low-income fathers, including interviews with their partners, their children, and independent verification of child support debts.

Third, the research was collected only from a small number of men living in one city in the United States. These results are necessarily not generalizable. However, the theoretical analysis in this piece of leprosy and the plague is generalizable, even while its specific application in this case may not be. While this research is on a small number of fathers in one city, it is the first study to specifically investigate state surveillance in the lives of low-income fathers as fathers and is helpful in pointing out some unique problems that low-income fathers face in managing their family lives.

This research also points to promising new areas of research. In response to recent calls by other researchers, we turn to alternative understandings of surveillance besides the Panopticon. We demonstrate how using the metaphor of social responses to the leper and the plague victim can advance social theory and explain social behavior. Future theoretical research should be done that further expands on this

distinction, particularly in terms of understandings of compliance and resistance. Additional research should also be done to analyze low-income fathers' experience with surveillance on the basis of gender, particularly in light of the gendered privilege that they experience as men.

From a policy perspective, there are two useful findings from this paper. First, this research demonstrates the scope of surveillance of these low-income fathers' lives. Like low-income mothers, these fathers experience remarkable little privacy in their family life. Decreasing the amount of state surveillance in private family matters, including the private family lives of low-income fathers, should be a top policy priority.

Second, this research demonstrates how these low-income fathers conceptualize their outsider status. Consistent with their status as a leper, someone banished from society, they do not feel an obligation to comply with state surveillance. If the state seeks their cooperation in complying with state surveillance, it is reasonable for the state to also provide the benefits that are consistent with that cooperation. Foucault specifically mentions wine and bread as benefits due to plague victims who are in compliance with strict state surveillance. Similar practical benefits, including some access to sustenance, is a reasonable exchange for men who give up considerable rights to privacy.

Arguably, it is unreasonable for the state to continue to expect compliance with strict surveillance in exchange for no benefits and treatment as an exiled member of society. Either low-income fathers are part of society, in which case they are entitled to some social benefits as compensation for their lack of privacy, or there are not part of society, in which case they are entitled to freedom from state surveillance. Policies which provided more benefits to low-income fathers in compensation for their compliance with surveillance would likely yield less resistance.

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