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Pomo Parenting

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They worry for us. I worry for us. I worry that any minute someone—the police, a child welfare agency, a health inspector, someone—will burst in and arrest me, or maybe just shove me around, make fun of me, call me bad names, and then take Toph away, will bring him somewhere where the house is kept clean, where laundry is done properly and frequently, where the parental figure or figures can cook and do so regularly, where there is no running around the house poking each other with sticks from the backyard.\footnote{\textit{Dave Eggers}, \textit{A Heartbreaking Work of Staggering Genius} 82 (2001).}

In his quasi-fictional memoir, \textit{A Heartbreaking Work of Staggering Genius}, Dave Eggers explains how he became the single “parent” of his eight-year-old brother when he was twenty-one, following the deaths of their father and mother from cancer

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within a month of each other. Eggers never expected to be a parent under such circumstances. He never dreamed what it would demand of him or that he would be expected to meet those demands with only his older sister, a preoccupied law student, to help. Eggers does not know how to parent or even what "good parenting" would be under the circumstances. The surrounding culture provides little guidance and less support.

If there ever was a coherent "family," nested within an extended family, nested within a supporting community, it's gone now and Eggers knows it. It is this self-consciousness which makes him a postmodern parent; he is all too aware that he is raising a child without the ideological, social or economic supports once believed essential to the task. He is not alone, as June Carbone's From Partners to Parents and Nancy Dowd's Redefining Fatherhood amply demonstrate. As family forms proliferate, the meaning of “parenting” is in flux and an issue of

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2 Eggers cites The Importance of Being Earnest: "To have lost one parent, Mr. Worthing, might be considered a misfortune. To have lost both smacks of carelessness." EGGERS, supra note 1, at “A) The Unspoken Magic of Parental Disappearance.”

3 Cf. JUNE CARBONE, FROM PARTNERS TO PARENTS: THE SECOND REVOLUTION IN FAMILY LAW 239 (2000) ("For many of my generation who thought we knew what to expect from relationships, parenthood—with its demands, external expectations, gender divisions, and emotional intensity—took us by surprise.").

4 See infra note 168 (citing Dowd on men's frequent need for parent education).


6 As explained below, this self-consciousness has multiple manifestations, including skepticism toward the metanarrative of the family, see infra text accompanying notes 30-32, acceptance of fragmentation and flux, see infra text accompanying notes 93-95, and recognition of the commodification of parenting, see infra note 130.

7 Indeed, one of Eggers's major themes is that schools, employers, and landlords are as unprepared to deal with his parenting role as he is. The larger social, economic and legal structures in which they all function, moreover, are obviously arranged for someone else. Cf. Barbara Stark, Marriage Proposals: From One-Size-Fits-All to Postmodern Marriage Law, 89 CAL. L. REV. 1479, 1482 (2001) [hereinafter Stark, Postmodern Marriage Law] (explaining how many, paradoxically, feel like members of a slighted minority, excluded by norms which benefit others.). Thus, for example, married women who stay home with young children complain about their characterization as 'soccer moms' even as commentators ask why the work of black single mothers is not considered work at all. See id.; see also NANCY E. DOWD, REDEFINING FATHERHOOD 135 (2000) (concluding that "those affected most by the family law structure experience it as strongly gender-biased [against them]").

8 CARBONE, supra note 3.

9 DOWD, supra note 7.
increasingly urgent concern. Both authors respond to this with practical measures to make pomo parenting better for everyone, grounded, paradoxically, in the recognition that everyone’s needs are different and that ‘better’ is a contested term.

Both authors are prominent family law scholars, radical in their visions, but well aware of the realities of family law practice and the politics of family law reform. Carbone describes a paradigm shift in the regulation of the family, from a focus on the partners’ relationship to a focus on their respective relationships with their children. As she puts it, custody has become “ground zero in the gender wars.” After describing the “unfinished revolution” of changing family norms, she concludes with a nuanced description of the economic restructuring and cultural renegotiations that characterize the transformation of family currently underway.

Dowd hones in on what Carbone calls the “fault line of gender” to describe emerging patterns of fatherhood. Dowd deconstructs fatherhood to expose its multiple dimensions and complexities. She makes a powerful case for reconceptualizing fatherhood in terms of nurturing rather than “genes and dollars.” She then maps the obstacles to this redefinition, and exposes the law’s role in perpetuating them.

My thesis is that both authors are part of a larger project of

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10 To “father” a child usually refers to a one-time procreative event, while to “mother” a child usually refers to a more labor-intensive nurturing relationship. See Naomi Cahn, The Power of Caretaking, 12 YALE J.L. & FEMINISM 177, 183 (2000) (“When we think of ideal parenting, we typically envision ‘mothering,’ rather than ‘fathering.’”). Some feminists question the term “parenting.” “[Martha Fineman] reserves greatest disdain for liberal feminists, who would, in the name of the egalitarian family, equate mothering with fathering, and substitute the term ‘parenting’ for both activities. Fineman describes this conflation as the ‘neutering’ of the mother, erasing her . . . from view.” CARBONE, supra note 3, at 23. Both authors recognize that for a variety of social, cultural, economic and political reasons, women and men usually parent very differently. DOWD, supra note 7, at 229; CARBONE, supra note 3, at 116 (“That gender differences exist, and that men and women ‘parent’ somewhat differently is not in dispute. That these differences make the presence of a mother and a father . . . indispensable to children’s well-being is another matter.”). For a description of the ways in which these differences become internalized, and how such internalized psychological constructs in turn shape external social, political and cultural factors, see Barbara Stark, Divorce Law, Feminism and Psychoanalysis: In Dreams Begin Responsibilities, 38 UCLA L. REV. 1483 (1991).

11 CARBONE, supra note 3, at 180.

12 Id. at 227.

13 DOWD, supra note 7, at 157-80.
postmodern family law,\(^{14}\) in which commentators call for an expansive reconstruction of family law,\(^{15}\) reflecting what Jean-François Lyotard calls "the postmodern condition."\(^{16}\) As Janet Wolff observes: "The radical task of postmodernism is to deconstruct apparent truths, to dismantle dominate ideas and cultural forms and to engage in the guerrilla tactics of undermining closed and hegemonic systems of thought."\(^{17}\) This Essay explains how both authors undermine hegemonic systems of thought, although in very different ways and with somewhat different objectives, through pomo analyses of pomo parenting.

Part I describes their skepticism toward metanarratives, not only those of the traditional family, but the politically correct metanarratives of the egalitarian family\(^{18}\) (Carbone) and the sin-

\(^{14}\) This is not an exclusive affiliation; both may be part of other projects as well. Brian Bix notes Carbone's significant contribution to law and economics, for example. See, e.g., Brian Bix, How to Plot Love on an Indifference Curve, 99 Mich. L. Rev. 1439, 1452 (2001) (book review). At the same time, however, Bix notes the multiple methods employed by Carbone, id. at 1447-54, and her resistance to closure, see infra note 91, which contribute to what I view as the postmodern character of her analysis.


\(^{16}\) Jean-François Lyotard, The Postmodern Condition: A Report on Knowledge (Geoff Bennington & Brian Massumi trans., Univ. of Minn. Press 1984). Carbone's thesis, that "[i]f family obligation... is to be rebuilt at all in a way that links individual obligation to societal needs—then parenthood may be the only remaining candidate," Carbone, supra note 3, at 129, is predicated on her description of the "post-modern family type" she describes in id. at 127. See Maxine Eichner, On Postmodern Feminist Legal Theory, 36 Harv. C.R.-C.L. L. Rev. 1, 70 n.275 (2001) (citing Dowd's work on single-parent families as conducive to the "agenda" of postmodern feminists).


\(^{18}\) Carbone draws on Susan Moller Okin, Justice, Gender, and the Family (1989) to depict the egalitarian family. Carbone, supra note 3, at 16-19. Carbone, like Dowd, has nothing against the egalitarian family but insists on making its as-
gle-mother family\(^1\) (Dowd) as well.\(^2\) Part II describes how both authors accept the fragmentation and flux of postmodernism. They recognize that we are embracing increasingly divergent norms, rather than moving toward some new consensus regarding parenting.\(^2\) Part III explains how they grapple with the commodification of parenting, insisting that the economic value of nurturing work be acknowledged and compensated. Both authors urge a more child-centered agenda\(^2\) and both realize that this is in tension with neoliberal as well as conservative priorities, even as it resonates with the rhetoric of both. Children, like the environment, are a long-term investment and no one wants to pay for them. Both authors aim to change this and, like Eggers, they undertake a daunting task with energy and style.

Like Eggers, both authors show why pomo parenting is “heartbreaking work.”\(^2\) Reading them in tandem gives added poignancy to the term, however, because Carbone’s desperate mother

\(^{19}\) Martha Fineman has called this the “mother-child dyad.” Martha Albertson Fineman, The Neutered Mother, The Sexual Family, and Other Twentieth Century Tragedies 230 (1995). This is not to suggest that Dowd disparages the single-mother family, which was the focus of her first book, In Defense of Single-Parent Families. See supra note 15. Rather, she rejects it as the sole alternative to the nuclear family.

\(^{20}\) Pomo parenting, like postmodernism in general, encourages strange bedfellows. See Elizabeth Bartholet, Nobody’s Child: Abuse and Neglect, Foster Drift, and the Adoption Alternative 7 (1999) (explaining how “individuals and groups from all parts of the political spectrum have come together . . . questioning the supremacy of family preservation policies”); Stephanie B. Goldberg, Make Room for Daddy, 83 A.B.A. J. 48, 49 (1997) (cover story) (“By joining forces with second wives, grandparents and noncustodial mothers, and toning down some of its rhetorical excess, a large chunk of the [fathers’ rights] movement has become more mainstream.”).

\(^{21}\) While Carbone suggests that parenting is the new paradigm, CARBONE, supra note 3, passim, her definition of “parenting” is broad, inclusive, and flexible. See, e.g., infra text accompanying notes 115-23.

\(^{22}\) Naomi Cahn calls this the “new morality:”

The new morality also sees responsibility for children as a more general societal commitment in which caretaking is appropriately valued and gender equality is assured. In this context of commitment to children, responsible parenthood does not only depend on the presence of a second parent, but also on greater public support, reformed workplaces that accommodate men’s and women’s caretaking needs, and better support for child care.

\(^{23}\) As a single father of two teenagers confesses, “Behind that display of decisive competence that you show the world, sometimes there’s a lonely man who’s hurting. Behind that confident exterior, sometimes there is someone who’s sailing alone in
may well be the victim of Dowd's equally desperate father, and vice versa. The descriptive phrase "of staggering genius" becomes ironic here (as it is for Eggers) because pomo parenting is more about daily drudgery than "Eureka!" moments.

Reading Redefining Fatherhood and From Partners to Parents in tandem suggests a more literal meaning of "staggering genius." Jane Smiley defines "genius" as "a person who understands the few simple elements of any process that will propel it forward where always before it has been fatally retarded." Carbone's genius lies in her ability to synthesize vast, disparate, and politically volatile materials into concise, lucid, non-inflammatory prose. Dowd's genius, in contrast, lies in her capacity for relentless deconstruction, her ability to identify the ways in which ostensibly neutral institutions perpetrate subordination. They repeatedly subvert each other's arguments, accordingly, although they share many objectives. Read in tandem, they become "staggering genius[es]", reeling from one knock-out punch uncharted waters without a map or a compass." Carey Goldberg, Single Dads Wage Revolution One Bedtime Story at a Time, N.Y. TIMES, June 17, 2001, at 1, 14.

"Which is to say nothing of the faux (real? No, you beg, please no) boastfulness of the whole title put together." EGGERS, supra note 1, at "pretend it's fiction." There is a further irony here, of course, in the notion of a young, single parent as somehow extraordinary. In fact, there are millions of such parents, most of whom are female and black or hispanic. Whether Eggers's tragedy would distinguish him in this group is an open question.

Anna Quindlen, Playing God on No Sleep, NEWSWEEK, July 2, 2001, at 64 (concluding a compassionate commentary on Andrea Yates, "who apparently spent a recent morning drowning her five children in the bathtub" and noting that "just because you love people doesn't mean that taking care of them day in and day out isn't often hard, and sometimes even horrible").

JANE SMILEY, HORSE HEAVEN 383 (2000).

This theme has been explored in a burgeoning literature focusing on race and gender. Some prominent examples include: STEPHANIE WILDMAN, PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA (1996); IAN F. HANEY LOPEZ, WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE (1996); and Barbara J. Flagg, "Was Blind, But Now I See": White Race Consciousness and the Requirement of Discriminatory Intent, 91 MICH. L. REV. 953 (1993). Dowd's contribution is to show how this analysis applies to men in the context of parenting, without ignoring their still-privileged status in other contexts. See, e.g., Harlon Dalton, The Clouded Prism: Minority Critique of the Critical Legal Studies Movement, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 80, 83 n.10 (Kimberlé Crenshaw et al. eds., 1995) (describing his reaction to white males who said they had felt silenced by his remarks). "I was instantly reminded of my own response, at age seven or so, to a playmate whose mother had recently died. 'I know how you feel,' I said knowingly. 'We just buried my favorite turtle after it softened to death.' " Id.

See, e.g., infra note 53 (noting benefits of "enhanced paternal involvement" while Dowd breaks such involvement down into "contact" and "support").
after another. In the process, Dowd and Carbone demonstrate the range and vitality of pomo critique, and the need for such critiques to describe and address the dilemmas of pomo parenting.

I

INCREDULITY TOWARD METANARRATIVES

As Jean-François Lyotard explains, postmodernism is simply "incredulity toward metanarrative." For Eggers, the metanarrative of the traditional family was as much a lie growing up as it is now. His father, a respected lawyer, was a secret drunk who spent his evenings watching television and sipping 'quinine water' generously diluted with gin, terrorizing his children with violent outbursts. Eggers's fiercely protective mother effectively abandoned her children, albeit unwillingly, through her long, incapacitating illness. The Eggers children, not surprisingly, have become cynics.

Like Eggers, Carbone and Dowd are incredulous toward the metanarrative of the traditional family. Both realize that there is no big picture, only endlessly changing pictures on a small scale.

29 The image is from GIRLFIGHT (Screen Gems 2001), in which a feisty young woman breaks down another gender barrier. See Rita Kempley, Girlfight: Think Rocky with a Feminist Hook, WASH. POST, Sept. 29, 2000, at C01 ("[B]oxing has always been a great social leveler for minorities—the Irish, blacks, Hispanics—so why not women?"). The allusion is apt here because both authors are fighters, champions for those children and parents neglected by the law, although not always on the same side. In addition, as another reviewer noted about the star, "[s]he doesn't so much transcend gender as redefine it." A.O. Scott, Floating Like a Butterfly, Stinging Like a Bee, N.Y. TIMES, Sept. 29, 2000, at E22. Both authors similarly redefine gender.

30 LYOTARD, supra note 16, at xxiv. This "incredulity" resonates with feminist critiques of "grand theory." See, e.g., CARBONE, supra note 3, at 4 (describing Gary Becker's "attempt to explain the family in terms of 'grand [economic] theory'"); see also Martha L.A. Fineman, Feminist Legal Scholarship and Women's Gendered Lives, in LAWYERS IN A POSTMODERN WORLD, supra note 15, at 229, 233 (urging feminists to "challenge and compete with the existing totalizing nature of grand legal theory").

31 See, e.g., EGGERS, supra note 1, at 232-33 (describing a night when his father broke down his bedroom door).

32 See, e.g., EGGERS, supra note 1, at 1-45.

33 "At Christmas, as with all holidays we still bother with, we celebrate it in a way that's at once an homage to our parents and their way of going about things, but more often a vicious sort of parody." EGGERS, supra note 1, at 302.

34 As Carbone notes, "[T]he dismantling of marriage as the exclusive determinant of family connections, is complete and well documented in every discipline that has undertaken the task." CARBONE, supra note 3, at 227. Carbone earlier cites Mary
There is no single, comprehensive norm of parenting; rather, there are multiple, proliferating, conflicting as well as overlapping norms. The "traditional" family has not dominated the social landscape for some time—if indeed it ever

Ann Glendon for the proposition that “the traditionally central position of legal marriage in family has been extensively eroded everywhere.” Id. at 142.

The evocation of television resonates with Carbone’s use of television characters as archetypes. Postmodernism is on familiar, if not familial, terms with popular culture. See, e.g., The Family Test Tube, NEWSWEEK, May 28, 2001, at 50 (“Television has always been ahead of the curve when it comes to depicting unconventional households.”). Some high points include: Julia (1968), The Courtship of Eddie’s Father (1969), Partridge Family (1970), and Once and Again (1999). See id.; see also Elizabeth Wilson, These New Components of the Spectacle: Fashion and Postmodernism, in POSTMODERNISM AND SOCIETY 209 (Roy Boyne & Ali Rattansi eds., 1990); cf. James Herbie DiFonzo, Customized Marriage, 75 IND. L.J. 875, 882 (2000) (attributing “the large proportion of references in [his] Article to popular journals and to sources on the internet” to “Karl Llewellyn’s dictum that ‘divorce is the major area of interaction between the social institution and the legal’”). Not only divorce, but family law more broadly, is usefully viewed as such a “major area of interaction,” and for this reason particularly susceptible to pomo influence and appropriation. As Carbone notes, the question of an unmarried father’s parental role was addressed by the Supreme Court in a “trio of cases [in the 1980s] (although it would not be until the 1990s that the issue became the popular subject of tabloids and made-for-TV movies).” CARBONE, supra note 3, at 166. But see Pierre Schlag, Foreword: Postmodernism and Law, 62 U. COLO. L. REV. 439, 444 (1991) (explaining how all law is already postmodern). See also J.M. Balkin, What is a Postmodern Constitutionalism?, 90 MICH. L. REV. 1966, 1973 (1992) (asserting that “jurisprudence produced during the postmodern era will turn out to display elements of postmodernity whether this is consciously desired or not”).

Karen Springen & Pat Wingert, Is It Healthy for the Kids? NEWSWEEK, May 28, 2001, at 54 (“Until recently, the disfunctionality of nontraditional families was a self-fulfilling assumption; children without a biological mother and father were stigmatized and shunned. Now, in all but the most conservative milieus, that is no longer true.”). Compare Melissa Fay Greene, The Family Mobile, N.Y. TIMES, Aug. 19, 2001, at 32 (describing “large families,” or families with more than six children, focusing on families with seventeen and eighteen children, including adopted and often physically handicapped children), with Lisa Belkin, Your Kids Are Their Problem, N.Y. TIMES MAG., July 23, 2000, at 30 (describing emergence of a new “child free” movement), and PATRICIA LUNNEBORG, THE CHOSEN LIVES OF CHILDFREE MEN (1999) (describing men’s experience of childlessness and noting how it differs from women’s).

Nicholas Kulish, Census 2000: The New Demographics, WALL. ST. J., May 15, 2001, at B1. The 2000 census confirmed that “fewer than 24% of homes were composed of husband, wife and children under age 18.” If the traditional family is limited to stay-at-home mothers and sole breadwinner fathers, this falls to fewer than ten percent. DOWD, supra note 7, at 2. But see Janny Scott, A Nation by the Numbers, Smudged, N.Y. TIMES, July 1, 2001, at 20 (“The farther the numbers migrate from the bureau’s offices, the less anyone lets on that the census is no more than what one former bureau director calls it: an estimate of the truth.”). See generally THEODORE M. PORTER, TRUST IN NUMBERS: THE PURSUIT OF OBJECTIVITY IN SCIENCE AND PUBLIC LIFE (1995).
did—\(^{38}\) and neither author mourns its passing.

They not only reject the metanarrative of the traditional family in particular, but the possibility of any new metanarrative in this context.\(^{39}\) Carbone shows why by playing a wide range of analysts off against each other. Each 'grand theory' incorporates a particular world view, reflecting a necessarily partial view of reality as well as a strategic agenda. Economist Gary Becker, for example, explains that the wife in traditional marriage assumed unremunerated nurturing work, especially childcare,\(^{40}\) in exchange for long-term economic security. This was undermined by no-fault divorce,\(^{41}\) however, which meant that men could leave the relationship before satisfying their part of the bargain.\(^{42}\)

But Becker cannot explain why more women than men have taken advantage of no-fault laws to leave their marriages.\(^{43}\) As Carbone observes, he does not appreciate "just how bad a deal

\(^{38}\) See Coontz, supra note 5.

\(^{39}\) "In short, generalizations are suspect; emphasis on the particular and recognition of differences across time, race, and class are the hallmarks of rigor in modern historical scholarship." CARBONE, supra note 3, at 57.

\(^{40}\) See, e.g., Carol Sanger, M is for the Many Things, 1 S. CAL. REV. L. & WOMEN’S STUD. 15, 18 (1992) (“For most of this century, the dominant model of motherhood has meant something closer to 'housewife'—a married, nonworking, inherently selfless, largely nonsexual, white woman with children.”); see generally Adrienne Rich, Of Woman Born: Motherhood as Experience and Institution (10th ed. 1986) (examining, in feminist terms, motherhood in a social context and as part of a political institution). For a collection of essays exploring ‘representations of motherhood [which] are not essentialized, romanticized, or idealized,” see Mothers in Law: Feminist Theory and the Legal Regulation of Motherhood (Martha Albertson Fineman & Isabel Karpin eds., 1995).


\(^{42}\) Carbone relies on a Doonesbury strip to depict the phenomenon. CARBONE, supra note 3, at 7-8 (describing a short, balding, middle-aged but wealthy executive dumping his wife for a "stunningly attractive young professional"). Carbone’s preference for cartoonist Gary Trudeau over Nobel Prize-winning economist Gary Becker reflects a very pomo preference for low culture over "high," and for petit narrative over "grand theory."

\(^{43}\) CARBONE, supra note 3, at 9. Carbone’s rigorous endnotes leave no ambiguity here. Id. at 251 (citing four recent studies). Women do not file more often because men gallantly allow them to, for example.
traditional marriage has been for women.\[^{44}\] Carbone draws on political theorist Susan Moller Okin to show that the demise of traditional marriage must be understood in a larger social and economic context, in which financial independence is for the first time a real option for most women.\[^{45}\]

But if Okin is right, Carbone asks, why hasn’t marriage simply been renegotiated? Since women earn more,\[^{46}\] why don’t men nurture more? Okin’s metanarrative of the egalitarian family is belied by empirical data showing that women still spend substantially more time taking care of children.\[^{47}\] The metanarrative of equal, rational partners negotiating domestic arrangements fails to capture a messier, more complicated, reality.\[^{48}\] Carbone turns to economist Victor Fuchs, who proposes that women spend more time taking care of children because they care more about children.\[^{49}\]

This is precisely the proposition that Dowd interrogates. Some fathers care a great deal, she insists, as shown by a small but growing cadre of fathers intensely involved in their children’s lives\[^{50}\] and an emerging fathers’ rights movement.\[^{51}\] At the same

\[^{44}\] CARBONE, supra note 3, at 17.

\[^{45}\] Id. at 17-18. Black women have always worked outside the home. JOAN WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT 165 (2000) (noting that “black women worked outside the home in much higher proportion than did white women until very recently”); see generally Making a Living Doing Domestic Work, in BLACK WOMEN IN WHITE AMERICA 227, 227-39 (Gerda Lerner ed., 1992).

\[^{46}\] See Editorial, Mom the Provider, N.Y. TIMES, May 14, 1995, at E14 (citing a Louis Harris & Associates poll showing that women “share equally with their husbands in supporting their families”); Sue Shellenbarger, Women Indicate Satisfaction with Role of Big Breadwinner, WALL ST. J., May 11, 1995, at B1 (citing a study by the Families and Work Institute showing that “55% of employed women bring in half or more of their household income”).

\[^{47}\] CARBONE, supra note 3, at 19.

\[^{48}\] The limitations of abstract metanarratives in general (and those positing humans as ‘rational actors’ in particular) is a recurring theme in postmodernism. See John Gray, The Best-Laid Plans, N.Y. TIMES BK. REV., Apr. 19, 1998, at 36 (“But scientific knowledge is too abstract to capture our understanding of local circumstances— the practical knowledge the ancient Greeks called metis, which carried Odysseus through his adventures.”).

\[^{49}\] CARBONE, supra note 3, at 19.

\[^{50}\] DOWD, supra note 7, at 83 (“[W]hen men parent to the extent typical of women, their parenting is remarkably similar to mothering. It is not distinctively ‘male.’ When men nurture children, they do so just as well as women, even if as a group they do less.”). “One of the most striking trends to emerge from recent census data [is that] the number of . . . single fathers with primary custody of their children has risen about 50% from 1990 to 2000.” Goldberg, supra note 23, at 1; see generally ARMIN A. BROTT, THE SINGLE FATHER: A DAD’S GUIDE TO PARENTING
time, she challenges the conventional wisdom that “more contact [with fathers] is important,” noting that the empirical data to support this “are thin or nonexistent. Visitation or the lack of it does not make a difference to the child’s future; child support does.” Dowd rejects the possibility of metanarratives by “questioning everything.” She is always open to new possibilities, however, such as the yet-to-be discovered benefits of gay fathers’ parenting.

Just as feminists deconstructed the ways in which women have been excluded from the work force, or their participation marginalized, Dowd deconstructs the ways in which men have

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**Dowd**, supra note 7, at 2. The membership and substantive agenda of the “fathers’ rights movement” is an open question. Goldberg, supra note 20, at 48 (estimating the movement’s membership at somewhere between five thousand and ten thousand).

**Dowd**, supra note 7, at 60; see also *Review & Outlook: The Dad Deficit*, WALL ST. J., June 15, 2001, at W19 (noting with approval that George W. Bush announced federal aid for local pro-fatherhood efforts at the Fourth National Summit on Fatherhood and concluding that “the crucial measure [between the haves and have-nots in this country] is not whether families have money in the bank but whether they have a dad in the home”).

**Dowd**, supra note 7, at 60. But see, e.g., *Carbone*, supra note 3, at 117 (“More recent studies find that enhanced paternal involvement correlates with increased cognitive competence (and higher grades), greater empathy, less sex-stereotyped beliefs, and a more internal locus of control (not to mention greater teacher appreciation of field trip participation).”).


been excluded or marginalized in connection with nurturing work. As she shows, fathers’ parenting is rarely supported. Rather, nurturing men are marginalized and discriminated against, and sometimes invisible. The metanarrative of the traditional family constrains men, often at great personal cost, just as it constrains women.

In addition, by showing how men are victimized by workplace hostility to parents and welfare policies that exclude them, Dowd identifies an important new ally in the struggle for support of nurturing work in general. Such support is crucial to women’s workplace participation and children’s well-being. Dowd is not

Wage Gap, 78 N.C. L. Rev. 707 (2000) (suggesting a contract set-aside program to reward employers for establishing leave policies that succeed in getting men to take more parental leave); WILLIAMS, supra note 45 (proposing a broad range of strategies to address gendered divisions of market and family work). Dowd herself has contributed to this work. See, e.g., Nancy E. Dowd, Work and Family: The Gender Paradox and the Limitations of Discrimination Analysis in Restructuring the Workplace, 24 HARV. C.R.-C.L. L. Rev. 79 (1989).

Dowd, supra note 7, passim. There are more than two million single fathers in the U.S., comprising at least one-sixth of the country’s single parents, up from one-ninth in 1970. Goldberg, supra note 23, at 1; see also Nancy Levit, Feminism for Men: Legal Ideology and the Construction of Maleness, 43 UCLA L. Rev. 1037, 1075 (1996); Barbara Stark, Guys and Dolls: Remedial Nurturing Skills in Post-Divorce Practice, Feminist Theory, and Family Law Doctrine, 26 HOFSTRA L. Rev. 293 (1997).


In a recent study, for example, Peg Brinig confirms that divorced fathers suffer from severe depression when they lack contact with their children. Margaret Brinig & Steven L. Nock, Weak Men and Disorderly Women: Divorce and the Division of Labor, in MARRIAGE AND DIVORCE: AN ECONOMIC PERSPECTIVE (Duos & Rowthern eds., forthcoming 2002).

Such support has probably been most fully realized in Sweden, where all parents of newborn children are entitled to stay home full time for a total of 450 days. To encourage parents to take time off, one month has been reserved exclusively for fathers and one for mothers. NEW LIFE: A GENDER EQUALITY MAGAZINE FOR
the only feminist to realize the importance of men to this project, nor the first. Naomi Cahn and Joan Williams, among others, argue that the gendered division of labor cannot be altered simply by changing women's roles. But few venture so bravely into the often hostile territory of fathers' rights, or so far into the dense thickets of social science.

Carbone explores different territory with similarly rewarding results. Starting with Friedrich Engels, she crystalize the works of the leading historians of the family. Their stories, she ob-

NEW PARENTS 12 (2001), available at http://naring.regeringen.se/fragor/jam-stalldret/sonja2001/pdf/Parental_benefit.pdf. In 1993-94, before [Dad's month] was introduced, more than half of all father's (!) had taken no paternity leave whatsoever before the child turned four. Today with [D]ad's month in place, over 80 percent of all fathers take some form of paternity leave. Almost half of all men have taken their full [D]ad's month.


62 As Rena Uviller observed over twenty years ago, “unless the daily concerns of child rearing become the shared responsibility of both father and mother, there is little chance that women with children will achieve equality outside the home.” Rena K. Uviller, Fathers' Rights and Feminism: The Maternal Presumption Revisited, 1 HARV. WOMEN'S L.J. 107, 109 (1978).

63 See supra note 56.

64 Because women's identities as mothers and primary caretakers are so much stronger than men's identities as fathers and primary caretakers, the gender division of labor will continue. Not only must men change, but so must women—they must still continue to identify themselves as parents, but they must also share fully in that status with men.

Cahn, supra note 10, at 214. Joan Williams makes a similar point. WILLIAMS, supra note 45, passim. For articles on the “new fatherhood,” see Jerry Adler, Building a Better Dad, Are You a Better Father Than Your Father? NEWSWEEK, June 17, 1996, at 58 (discussing whether better, more caring, sensitive fathers are what children really need); and Nancy R. Gibbs, Bringing Up Father, TIME, June 28, 1993, at 54 (“America finds its stereotypes [about fathers] crushed in the collision between private needs and public pressures.”).

65 The risks are considerable. As Cahn notes, “It may not be safe for women to relinquish this power, not only because men will not perform homework, but because relinquishment will have detrimental impacts. When it comes to child custody, for example, working women are penalized for leaving home by losing custody to working men.” Cahn, supra note 10, at 222.

66 Over half of Dowd’s thirty-six-page bibliography consists of works by social scientists. Dowd, supra note 7, at 248-74.

67 CARBONE, supra note 3, at 55-66. For a history of custody law, see MARY ANN MASON, FROM FATHER'S PROPERTY TO CHILDREN'S RIGHTS: THE HISTORY OF CHILD CUSTODY IN THE UNITED STATES (1994). For a history of fatherhood, see ROBERT L. GRISWOLD, FATHERHOOD IN AMERICA: A HISTORY (1993). For histories of black families, see PEGGY COOPER DAVIS, NEGLECTED STORIES: THE CON-
serves, focus on the relatively privileged. In the United States, for example, the story of the family has historically excluded the stories of black families. In a brilliant chapter summarizing the latest literature on family and race, she shows how parenting has always been 'raced' and the costs to us all. Analyses grounded in the unspoken assumption that “parents” are in fact white and middle-class are not only irrelevant to many Americans, but lead to policies that are useless or worse.

Dowd once again ratchets the discussion to another level. She draws on the full arsenal of identity politics to show that “race” conflates diverse cultures and that analyses have been classed.

68 CARBONE, supra note 3, at 67-84; Dorothy E. Roberts, The Value of Black Mothers’ Work, 26 CONN. L. REV. 871 (1994). Family research has overwhelmingly focused on white families until fairly recently. See Paul R. Amato, Life-Span Adjustment of Children to Their Parents’ Divorce, 4 FUTURE CHILD. 143, 148 (1994).


70 See CARBONE, infra notes 153-54. As a corollary, analyses based on African-American experience may have significance for the broader community. Because “[d]elayed childbearing correlates directly with socioeconomic status” and “the negative consequences of single parenthood . . . are borne most heavily by the children whose families have the least income[,]” Donna Franklin’s thesis that these changes in family practices ‘ensure inequality’ applies not just to African-Americans but to the society at large.” CARBONE, supra note 3, at 126.


72 “[N]either [the] Hispanic culture nor the identifiable Hispanic subgroups are culturally monolithic. Hispanic culture is affected by immigration . . . .” DOWD, supra note 7, at 74; see also id. at 65-75 (summarizing the literature on fathers of color); see generally Sandra T. Azar & Corina L. Benjet, A Cognitive Perspective on Ethnicity, Race, and Termination of Parental Rights, 18 LAW & HUM. BEHAV. 249, 265 (1994) (urging that custody evaluations “be grounded in a well-articulated theory of parenting competency” taking into account “the racial and ethnic diversity in our society”).

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as well. The complex reality is obfuscated by metanarratives which inevitably erase certain stories.\textsuperscript{74}

Both authors are interested in recovering those stories and showing how families can thrive in many different forms.\textsuperscript{75} Carbone does so with lively anecdotes\textsuperscript{76} and by drawing on television sitcoms.\textsuperscript{77} The populations which are Dowd's focus have not yet made prime time.\textsuperscript{78} She takes a different approach, accordingly, relying on empirical studies by a veritable army of social scientists.\textsuperscript{79} Trained as a social scientist, Dowd ably translates arcane data into accessible prose. Even as she supports her arguments, however, she criticizes much of the literature on minority fami-


\textsuperscript{74} See, e.g., Moore v. City of East Cleveland, 431 U.S. 494 (1977) (striking down city ordinance restricting dwelling units to “single family” and recognizing “only a few categories of related individuals” as a family).

\textsuperscript{75} As Cahn observes in her review of Single Parent Families, “[Dowd] wants to support all families, regardless of their form.” Cahn, supra note 15, at 236.

\textsuperscript{76} See, e.g., Carbone, supra note 3, at 154 (describing the suit against Frank Serpico, the former New York City police officer who exposed corruption in the department, and was sued for child support by a woman who told him that she was using birth control).

\textsuperscript{77} As she breezily points out, for example:

> Were Fineman to illustrate her work . . . she might select . . . the star of \textit{Grace Under Fire}. Grace, a more recent addition to the world of TV sitcoms, is the divorced mother of three. Jimmy, her abusive, alcoholic ex-husband, who deserted the family, has come back into the picture. . . . His presence is a mixed blessing.

\textit{Id.} at 27. Earlier she has used families from well-known sitcoms (the Nelsons (The Adventures of Ozzie and Harriet), the Reeds (The Donna Reed Show), the Ricardos (I Love Lucy)) to breathe life into “the sexual division of labor Becker and Okin describe with successful breadwinners, full-time homemakers, tensions that build to successful resolution, and only occasional yearning for something more.” \textit{Id.} at 16; see also Barbara Kantrowitz & Pat Wingert, Unmarried, With Children, Newsweek, May 28, 2001, at 46 (introducing a report on pomo parenting by stating: “[j]ust imagine what would happen if June and Ward Cleaver were negotiating family life these days”).

\textsuperscript{78} See Griswold, supra note 67, at 224-25 (most American corporations “look askance” at paternal leave); see also Dowd, supra note 7, at 56 (citing research showing workplace costs for involved fathers); Joann S. Lubin, Working Dads Find Family Involvements Can Help Out Careers, \textit{Wall St. J.}, May 30, 2000, at B1 (providing anecdotes about fathers being explicit about their needs for flexible schedules because of their children); Joann S. Lublin, Yea to That ’90s Dad, Devoted to the Kids . . . But He’s Out Again?, \textit{Wall St. J.}, June 13, 1995, at A1.

\textsuperscript{79} See supra note 66.
lies as biased.\textsuperscript{80}

The authors' skepticism toward metanarratives precludes modernist plans for specific reforms, but it does not preclude clear visions of a better future\textsuperscript{81} (although both are well aware that what is "better" for some may be worse for others).\textsuperscript{82} Postmodern analysis, they show, need not lead to the "black hole of relativist postmodernism."\textsuperscript{83} But their visions are "explicitly tentative, relational, and unstable,"\textsuperscript{84} subject to ongoing critical assessment, based on ongoing experience and critical reflection informed by that experience.\textsuperscript{85} Like Eggers, Dowd does not want "the police, a child welfare agency, a health inspector, someone"\textsuperscript{86} taking children away from those who love and care for them.\textsuperscript{87} While she wants more support for parents, including

\textsuperscript{80} Dowd, supra note 7, passim.
\textsuperscript{81} See Ihab Hasen, The Postmodern Turn: Essays in Postmodern Theory and Culture 89 (1987) ("despite [postmodernism's] fanatic will to unmaking, it also contains the need to discover a 'unitary sensibility'").
\textsuperscript{83} Alan Stone, Questions and Comments, in Human Rights at Harvard 55, 59 (1997). While some postmodernists relentlessly challenge normativity, see Schlag, supra note 35, others concede that the process of questioning, trashing, deconstructing, "always must stop." J.M. Balkin, Tradition, Betrayal, and the Politics of Deconstruction, 11 Cardozo L. Rev. 1613, 1627 (1990). This is not, of course, closure. Rather, as Roy Boyne and Ali Rattansi observe, "There is . . . a postmodernism of 'resistance' as well as a postmodernism of 'reaction.'" Roy Boyne & Ali Rattansi, Introduction, in Postmodernism and Society, supra note 35, at 29.
\textsuperscript{84} Angela P. Harris, Race and Essentialism in Feminist Legal Theory, 42 Stan. L. Rev. 581, 586 (1990).
\textsuperscript{85} Katharine T. Bartlett, Feminist Legal Methods, 103 Harv. L. Rev. 829, 849 (1990).
\textsuperscript{86} See, e.g., Homer H. Clark, Jr. & Ann Laquer Estin, Domestic Relations 621-22 (6th ed. 2000) (citing Marisol A. v. Giuliani, 185 F.R.D. 152 (S.D. N.Y. 1999) (problems with foster care in New York); see also Eggers, supra note 1 and accompanying text. Unlike Eggers, however, as a family law teacher Dowd knows that children removed from their homes may not be placed in better ones. See Nina Bernstein, The Lost Children of Wilder: The Epic Struggle to Change Foster Care (2001) (describing the twenty-six year history of the case against the New York City foster care system and the tragic outcomes for the children involved). But see Dowd, supra note 7, at 95 (citing Smith v. Organization of Foster Families for Equality and Reform, 431 U.S. 816 (1977), for the proposition that foster families, like biological families, are entitled to constitutional deference).
\textsuperscript{87} See, e.g., Pierce v. Society of Sisters, 268 U.S. 510, 535 (1925) (striking state statute requiring children to attend public school noting that "[t]he child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations"); Meyer v. Nebraska, 262 U.S. 390 (1923) (holding that state cannot prevent parents from having their children learn a foreign language); see generally Barbara Bennett Woodhouse, "Who Owns the Child?:" Meyer and Pierce and the Child as
private as well as state support, she prefers to leave specifics open, relying more on pomo rhetoric than modern, legalistic formulas. As she explains,

Our ultimate progress will be measured . . . in our ability to envision and implement a different construction of fatherhood for this generation. Our success will be measured not in the statistics and reports of the government, but in the common perception of preschoolers about daddies, who they are and what they do.

Like Dowd, Carbone is talking about a revolution. But she does not want to replace one form of authority over parents with another. She wants the law to focus on providing more support for parents, economically as well as socially, but she doubts that the kind of revolution she envisions can be foisted upon parents, or anyone else. As she concludes,

[S]ociety’s ability to influence family behavior is almost as much an issue as the content of family values. . . . [E]ven with respect to issues about which there may be broad consensus—for example, that two parents are better than one—the ability to produce anything close to universal conduct is very much in doubt.

Like Dowd, she seeks a change of heart, an expansion of our shared perceptions of “parenting.”

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88 "A system of commitment to a basic level of economic resources is the most preferable, which would require a combination of public and private resources." Dowd, supra note 7, at 223.

89 Ihab Hassan offers a schematic set of dichotomies, which suggests, for example, that postmodernism is to rhetoric as modernism is to semantics. Hassan, supra note 81, at 89.

90 Dowd, supra note 7, at 233.

91 Carbone, supra note 3, at 123. As Elizabeth Scott points out, “norms, or ‘customary law,’ regulate family relations more effectively than do formal legal enactments because norms structure conduct into roles and functions that create stable expectations.” Elizabeth S. Scott, Pluralism, Parental Preference, and Child Custody, 80 CAL. L. REV. 615, 669 (1992); see also Barbara Bennett Woodhouse, Of Babies, Bonding, and Burning Buildings: Discerning Parenthood in Irrational Action, 81 VA. L. REV. 2493, 2494 (1995) (stressing “the effects of legal rhetoric in shaping extralegal cultural norms”). Katharine Silbaugh has criticized Carbone for her apparent “inconsistency” on the impact of reform efforts. Katharine B. Silbaugh, Accounting for Family Change, 89 GEO. L.J. 923 (2000) (book review); see also Bix, supra note 14. That such efforts might be productive in some contexts and futile in others seems unremarkable. Carbone recognizes the limits of such efforts now, given our “postmodern condition,” which is an important insight.

92 As she observes, citing Justice Stevens in Lehr v. Robertson, 463 U.S. 248
As geographer David Harvey observes:

[T]he most startling fact about postmodernism is its total acceptance of the ephemerality, fragmentation, discontinuity, and the chaotic... But postmodernism responds to [that] fact in a very particular way. It does not try to transcend it, counteract it, or even to define the “eternal and immutable” elements that might lie within it. Postmodernism, swims, even wallows, in the fragmentary and the chaotic currents of change as if that is all there is.93

After the deaths of his parents, Eggers cuts all ties with the Chicago suburb where he lived all his life and heads for a series of rentals in California. Even as he wallows in “chaotic currents of change”, however, he and his sister try to coordinate their hectic lives94 and provide Toph with a wholesome, stable home. But it is a losing battle:

We scrape through every day blindly, always getting stumped on something that we should know—how to plunge a toilet, how to boil corn, his Social Security number, the date of our father’s birthday—such that every day that he gets to school, that I get to work and back in time for dinner, each day that we cook and eat before nine and he goes to bed before eleven and doesn’t have blue malnourished-looking rings around his eyes like he did for all those months last year—we never figured out why—feels like we’ve pulled off some fantastic trick—an escape from the jaws of death, the hiding of the Statue of Liberty.95

As Carbone and Dowd understand, pomo parenting is about ephemeral custody arrangements,96 fragmented families,97 and

(1983), even the Supreme Court has acknowledged that the “intangible fibers that connect parent and child have infinite variety.” CARBONE, supra note 3, at 167.98


94 “She and I are collaborating peacefully, tag-teaming, doing the parent-teacher conferences together. We are a circus family, a trapeze family, with perfect timing, great showmanship, tight green outfits.” EGGERS, supra note 1, at 301.

95 Id. at 82.

discontinuous, even chaotic, schedules. Both "wallow" in "the fragmentary and the chaotic currents of change as if that is all there is,"98 always insisting, however, that children be cared for even as chaos eddies around them. Indeed, it is in these very currents of change that each author finds her vision for a more child-focused society.

Dowd’s approach to fatherhood illustrates her acceptance of fragmentation and flux. Existing legal categories are inadequate, she argues: biological connection, marriage, or adoption may or may not be sufficient,99 but none of them are necessary.100 Rather than propose a new standard, however, she notes that "[d]iversity is a critical value as we rethink fatherhood"101 and identifies proliferating models of fatherhood from which to draw. She breaks these down into two basic models, a small but growing cohort of "significantly involved" fathers102 and a much

97 As Carbone notes, for example, "In the 1990s, this [more egalitarian] partnership ideal is under assault just as it is achieving its fullest realization." CARBONE, supra note 3, at 147.

98 See, e.g., id. at 115 ("Kristin Luker, in her account of the politics of teenage pregnancy, questions whether any study can effectively control for all the differences that separate single parents from parents in other families.").

99 See Lehr v. Robertson, 463 U.S. 248 (1983) (terminating parental rights of biological father when he failed to avail himself of any of the several legal alternatives provided by state law through which he could assert paternity).

100 [E]conomic parenthood . . . [fails because the legal system cannot ensure] that economic obligations are honored. Biological models have failed because we continue to fail to establish paternity for a significant number of children. Economic models have failed because we fail to ensure payment of obligations . . . [and] fail to provide adequate backup economic support when . . . the obligation cannot be paid, and fail to insure adequate, universal support (private or public) for all children. Marriage models are insufficient because so many children are born outside marriage and so many marriages fail.

DOWD, supra note 7, at 161; see also Quilfoil v. Walcott, 434 U.S. 246 (1978) (terminating parental rights of biological father who had visited his son, although neither provided regular support nor legitimated him); Davis v. Davis, 842 S.W. 2d 588 (1992) (holding that divorcing husband could veto use of frozen embryos fertilized with his sperm).

101 DOWD, supra note 7, at 161.

102 Id. at 8; see generally KATHLEEN GERSON, NO MAN'S LAND: MEN'S CHANGING COMMITMENTS TO FAMILY AND WORK 215-55 (1993) (describing "dilemmas of involved fatherhood").
larger group of uninvolved fathers. In addition, she describes "serial parenting"; that is, men who act as fathers for the children of the women with whom they live.

Noting that "the strongest of these patterns are social, connected to relationships and households," Dowd urges a redefinition of fatherhood as "social fatherhood," which she argues "best responds to the need for flexibility, given the context of significant family fluidity and change." Dowd identifies five distinct categories of "social fathering" and three overlapping subgroups—divorced, gay, and black fathers—within each. She welcomes this complexity, arguing that "we should

103 "The post divorce pattern of fathers' relationships with their children is bleak and disheartening for both fathers and children." Dowd, supra note 7, at 59.

104 Id. at 28. "Step parenting ... is an extremely common form of fatherhood in America. The data on step-families indicate that these families do not do well, and that we lack a good understanding of their dynamics or a healthy vision of how they should function." Id. at 85; see also Springen & Wingert, supra note 36, at 55 (noting that a spokeswoman from the University of Chicago "says that more than half the serious brain injuries her hospital sees in infants are inflicted by 'paramour perpetrators'—men who lack the biological and emotional connection that inhibits parents from hurting their own children").

105 Dowd, supra note 7, at 179-80.

106 Id. at 77. Dowd cites Katharine Bartlett's argument "for legal support of multiple parental figures, especially by a liberal use of visitation statutes" as well as Barbara Bennett Woodhouse's "kinships of responsibility" and Naomi Cahn's suggestion that "when multiple adults come forward as caretakers, we might want to consider them all rather than reducing them to two." Id. at 140-41. But see Michael H. v. Gerald D., 491 U.S. 110 (1989) (upholding state statute precluding alleged biological father's claim to paternity of child born within extant marriage).

107 Dowd, supra note 7, at 180.

108 These include: (1) nurturing fathers who parent their children as mothers do, (2) nurturing fathers in step-families, blended families or cohabiting families, (3) "less engaged fathers who are backup or minimal nurturers plus breadwinners," id. at 82, (4) "disengaged fathers, some of whom play an economic role," id., and (5) "fathers who have never engaged with their children and have no connection of any sort with them." Id.; see also Deutsch & Saxon, supra note 58 (describing gendered perceptions of parenting); Sean Elder, Dabbling Dads, N.Y. TIMES MAG., June 11, 1995, at 30 (describing "Gentlemen Fathers" who parent on weekends, unlike the author, a primary caretaker father); see generally Dowd, supra note 7, at 62 ("the nurturing [fathers] who are [in fact] poorly supported by the legal structure, and often socially viewed as unmanly by their peers"); authorities cited supra note 59.

109 Dowd, supra note 7, at 58-65.

110 Id. at 75-80; see also Louis Bayard, Two Men and a Baby, WASH. POST, June 17, 2001, at W14 (reporting gay couple's adoption of a six-month-old Vietnamese boy).

111 Dowd, supra note 7, at 65-75 (explaining how "the discourse of inferiority masks the realities of economic disempowerment that not only make it difficult to fulfill traditional breadwinner father roles, but also prevent that role from being recast in a more nurturing direction").
work with existing patterns of fatherhood" rather than resisting them.\(^1\) It is in these patterns that she finds her models: "Assumptions of deviance abound in much of the older literature on [divorced, black, and gay fathers]. More recent research tells rich stories of accomplishment and pluralistic approaches to fathering, suggesting positive models from these subgroups of fathers."\(^1\) Dowd concludes that "[t]here are no easy answers, and keeping the answers multiple and flexible may be better than a simple unitary standard or definition. The data on which we act are provisional and tentative, which may argue for caution."\(^1\)

Carbone, similarly, welcomes proliferating family forms, deftly synthesizing the work of William Galston, Okin, Fineman, and Becker, "four theorists [who] recognize that contemporary families challenge conventional notions of family form, and reconceive the alternatives."\(^1\) The theorists refigure adult relationships, and show how children can be cared for within the modified adult frameworks. Carbone once again draws on a well-known figure from popular culture,\(^1\) Murphy Brown,\(^1\) to challenge their carefully constructed theories: "Murphy Brown destabilizes the categories ... suggest[ing] that these efforts are futile, that the altered boundaries between home and market will

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\(^1\) Id. at 179.

\(^1\) Id. at 58. As she notes, for example, "Overall, white children have more contact with their fathers but among nonresident fathers, Black fathers have high levels of visitation. ... Black fathers, especially middle-class ones, remain involved with their families to a greater degree than white fathers." Id. at 70.

\(^1\) Id. at 161-62.

[V]irtually all scholars emphasize how little we know, and therefore how provisional any data must be. We have neither the demographic data nor the tested correlations for fathers that we have for mothers. This factor alone is enormously indicative of our assumptions about fathers. Even more important, it demands that any definition of policy with respect to fathers be provisional.

Id. at 81.

\(^1\) CARBONE, supra note 3, at 51.

\(^1\) See, e.g., supra note 42 (describing Carbone's use of Doonesbury; supra note 77 (describing sitcom families).

\(^1\) Murphy Brown is a television journalist played by Candice Bergen, who crossed over into real politics when Vice President Dan Quayle famously criticized her decision to become a single mother. Barbara Vobejda, Can a Sitcom Change Society?, WASH. POST, May 21, 1992, at A1 (describing the "zany and almost surreal reaction: from radio talk shows to the White House" in response to Quayle's comment that the character was "mocking the importance of fathers by bearing a child alone"); see also Dan Quayle, Why I Think I'm Still Right, NEWSWEEK, May 28, 2001, at 52 (explaining that his "concern has always been for the welfare of the child").
produce too varied a set of adult relationships to provide for everyone, and that the norms governing adult relationships will not necessarily take children's interests into account.\textsuperscript{118}

Carbone concludes with concrete suggestions for better assuring that children's needs are met, given these destabilized categories and ever-proliferating alternatives. To address the insecurity of mothers confronting a "mindless emphasis on joint custody,"\textsuperscript{119} as well as the disincentives for fathers in a "winner-take-all custody system,"\textsuperscript{120} for example, she urges greater clarity for custody awards.\textsuperscript{121} A standard that "starts with a presumption of both parents' continuing involvement but also recognizes clear grounds for disqualification"\textsuperscript{122} is better for everyone, she

\textsuperscript{118} Carbone, \textit{supra} note 3, at 51-52. Recognizing that "American society may not be able to reach a consensus on 'family values,'" for example, Carbone identifies a partial, contingent consensus ("the middle class has embraced a new strategy for success"). including gender equality with respect to investment in earning capacity, education, sexual activity, and contribution to the relationship, coupled with the contingency of marriage. \textit{Id.} at 125.

\textsuperscript{119} Carbone, \textit{supra} note 3, at 240; see also Jane W. Ellis, Surveying the Terrain: A Review Essay of Divorce Reform at the Crossroads, 44 STAN. L. REV. 471, 476 (1992) (book review) (arguing that mothers are especially vulnerable because they often put their relationships with their children above all other considerations). For a promising approach to this problem, see Scott Altman, Lurking in the Shadow, 68 S. CAL. L. REV. 493, 527 (1995) (arguing that settlement agreements should be submitted in distinct stages so that custody and visitation arrangements would have to be approved prior to any financial agreement). In 1993, a number of states had enacted "friendly parent" statutes which penalize parents who fail to facilitate the other parent's contact with the child. \textit{Developments in the Law: Legal Responses to Domestic Violence, Battered Women and Child Custody Decisionmaking}, 106 HARV. L. REV. 1597, 1601 (1993). For a critical assessment of such statutes, see Elizabeth Scott & Andre Derdeyn, Rethinking Joint Custody, 45 OHIO ST. L.J. 455, 476 (1984).

\textsuperscript{120} Carbone, \textit{supra} note 3, at 240. For a discussion of the ways in which courts subject men as well as women to gender bias in custody cases, see Levit, \textit{supra} note 57, at 1075.

\textsuperscript{121} Custody is now generally determined by the "best interest of the child" standard. \textit{See}, e.g., \textit{Unif. Marriage and Divorce Act} § 402 (amended 1973), 9A U.L.A. 156 (1987) (including among factors to be considered in determining the "best interest of the child," parents' wishes, child's wishes, child's relationships with parents and others, child adjustment to home, school, and community, and mental and physical health of all involved); Beth K. Clark, \textit{Acting in the Best Interest of the Child: Essential Components of a Child Custody Evaluation}, 29 FAM. L.Q. 19 (1995) (describing how psychologists involved in custody disputes can apply this standard). \textit{But see Joseph Goldstein et al., Beyond the Best Interests of the Child} (1973) (concluding that it is better for the child to be placed with the "psychological parent," that is, the adult with whom the child is most strongly bonded). For a summary of the scholarship refuting men's claims that the best interest standard is a pretext for maternal bias, see Terry Arendell, Fathers and Divorce 77-83 (1995).

\textsuperscript{122} Carbone, \textit{supra} note 3, at 240; see also Melli et al., \textit{supra} note 96, at 800.
suggests. While Carbone wants more support from the state and the community, similarly, she again stresses the need for a nuanced, multipronged approach. She notes, for example, that the needs of families with small children are very different from the needs of families with teenagers. While her proposals are concrete, accordingly, they are also flexible, reflecting and accommodating the fragmentation and flux of pomo parenting.

III

THE COMMODIFICATION OF PARENTING

A. Too Much is Not Enough

As Fredric Jameson has observed, “postmodernism is the cultural logic of late capitalism.” A key feature of this ‘cultural logic’ is commodification, or the transformation of something which is not commonly sold, traded or otherwise alienated—such as water or love—into something that is—bottled water or mail-order brides. As Joan Williams, Adrienne Davis, and Martha Ertman recently noted in convening a conference on the subject, “Some fear that commodification assaults dignity and harms people, in part by crowding out other ways of thinking and talking. Others suspect that refusing to commodify amounts to one more way of keeping cash away from subordinated people.” Dowd

Carbone synthesizes the Supreme Court cases on paternal rights as well as the commentary of leading scholars and several state supreme court justices to identify three extant models of fatherhood: (1) biological fathers, who receive legal recognition absent abandonment or forfeit; (2) “fathering” determined by bonding or nurturing; and (3) fathering conceived as a role fundamentally different from (and complementary to) mothering. Carbone, supra note 3, at 164. She proposes the following bottom line: a father should (1) not endanger the baby’s well-being during pregnancy, (2) assure that the baby is cared for, and (3) above all, make a permanent commitment to the child. Id. at 178-79; see also In re Raquel Marie X., 173 A.D.2d 709 (N.Y. App. Div. 1991) (holding that a three-year-old child could remain with her adoptive parents where biological father did not establish paternity until after the adoption, contributed minimally to expenses during pregnancy and did not help care for newborn); see generally Deborah Forman, Unwed Fathers and Adoption: A Theoretical Analysis in Context, 72 Tex. L. Rev. 967 (1994).

123 Carbone, supra note 3, at 241.
124 Fredric Jameson, Postmodernism, or, the Cultural Logic of Late Capitalism (1991).
125 See, e.g., Margaret Jane Radin, Market-Inalienability, 100 Harv. L. Rev. 1849, 1921 (1987) (arguing that certain core aspects of personhood should similarly be inalienable); Katharine Silbaugh, Commodification and Women’s Household Labor, 9 Yale J.L. & Feminism 81 (1997).
126 See Memorandum from Martha Ertman to Barbara Stark, Call for Papers/ Commodification Futures: Retheorizing Commodification (July 2000) (on file with
and Carbone show how the commodification of parenting has in fact "crowded out other ways of thinking." At the same time, the refusal to commodify parenting "amounts to one more way of keeping cash away from subordinated people." There is, in short, both too much commodification and not enough.

Children may be "priceless," but they are also quite expensive. Dowd and Carbone show how this is ignored in both family law and welfare law, and the resultant costs to society at large. The costs of parenting not only include dollars spent for groceries and fast food, pediatricians and orthodontists, school lunches and fees, but time spent dressing, feeding, cleaning up after and driving children to their schools, appointments, and soccer games. These costs are difficult to calculate within the black box of the intact marriage, although the dollars are generally linked to male breadwinners and time to female breadmakers. Where there is no intact family, either because of divorce or because the

author); see also Norman K. Denzin, Postmodernism and Deconstructionism, in Postmodernism and Social Inquiry 182, 184 (David Dickins & Andrea Fontanades eds., 1994) (linking postmodernism to the commodification of sexuality and desire).

127 See, e.g., Dowd, supra note 7, at 133 ("By making a father's absence a negative to be avoided, and his presence as critical to all members of the family—and simultaneously defining presence in economic terms as based on wage work—fathers came to be almost exclusively defined in economic terms.").

128 Carbone, supra note 3, at 51 (describing the delegation of caregiving work to underpaid nannies); see generally Emma Rothschild, Who's Going to Pay for All This?, N.Y. Times, July 1, 2001, at 10 (describing economist's analysis of the costs of caregiving).

129 Nancy Folbre, The Invisible Heart: Economics and Family Values 50 (2001) (arguing that nurturing is undervalued, in part, because no effort is made to impute a value to "happy, healthy, and successful children").

130 See Carbone, supra note 3, at 252 n.6; Dowd, supra note 7, at 53-54. For Eggers, twenty-four hours a day, seven days a week, childcare is costing him his youth, not to mention his sex life (he does, of course, mention it). See, e.g., Eggers, supra note 1, passim. At the same time, his deep ambivalence about hiring a sitter makes it impossible for him to enjoy the few hours of free time he purchases. Id.

131 For a survey of the wide-ranging estimates, see Thomas J. Espenshade, Investing in Children: New Estimates of Parental Expenditures (1984). In addition to time spent, there may be lost opportunity costs, such as high-paying jobs turned down because of inflexible hours or required travel. See generally Jean L. Potuchek, Who Supports the Family? Gender and Breadwinning in Dual-Earner Marriages (1997) (arguing that "breadwinning" is socially constructed and negotiated and also affected by mothering).

132 Arlie Hochschild & Ann Machung, The Second Shift 8-10 (1989); see also Paul Starr, Women's Work, N.Y. Times Book Rev., Feb. 11, 2001, at 9 ("Despite all the customary praise of mothers, the devaluation of their work is deeply entrenched in our thought and institutions.").
parents never married, these costs are rarely met. The loss to society at large, in terms of neglected, abused, underachieving, or delinquent children, and stressed, overworked, debt-burdened parents, is clearly enormous, although probably incalculable.

B. Child Support

While everyone agrees that parents should support their children, the amount and source of such support has been subject to wide-ranging debate. After years of studies, discussions and debate, Congress required the states to promulgate child sup-

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133 Gomez v. Perez, 409 U.S. 535 (1973) (holding that illegitimate children have as much right to child support as legitimate children).


135 Our policies assert that it should be less comfortable to be on welfare than to work, which is sensible. They also assert that a mother who cannot feed and house her child should not raise them, which also is sensible. The consequences are not. Lamont’s care cost the city half a million dollars, far more than it would have cost to support his mother, and it repeatedly and traumatically severed him from an enduring human relationship, as crucial to a child’s development as food and heat.


136 See Porter, supra note 37 (explaining why numbers used in public policy debates are problematic).

137 According to the Census Bureau, thirty-eight percent of single fathers receive child support compared to sixty percent of single mothers. The average amount received by both as of 1997 was $3,300 per year. Goldberg, supra note 23, at 14.

138 As Carbone puts it, while “[c]hild support rests . . . on natural love and affection, and societal insistence that parents assume responsibility for the children they bring into the world . . . [t]hese sentiments, . . . though almost universally shared, do not dictate particular dollar amounts.” Carbone, supra note 3, at 155.

port guidelines in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). As both authors note, the resultant guidelines severely underestimate the actual costs of raising children, to the detriment of children and their custodial parents. The persistence of low child support guidelines is overdetermined; that is, it is attributable to redundant factors and is thus likely to persist even if some of these factors are addressed. Non-custodial parents, for example, are generally unwilling to indirectly subsidize the custodial parent through generous child support payments. In addition, as Dowd points out, child support was never intended to secure adequate support. Rather, it was designed only as a partial contribution.

Even if these factors were addressed, however, child support guidelines would probably remain low because nurturing work is undervalued. This is grounded, in part, in the expectation that parents will nurture for "love," rather than for money, as mothers usually have.


Mothers are the custodial parents in the vast majority of cases. Stark, supra note 57, at 307-08. Where fathers are the custodial parents, however, child support plummets. Dowd, supra note 7, at 143. The inadequacy of child support guidelines had been confirmed by Marsha Garrison in a scathing critique. Marsha Garrison, Autonomy or Community? An Evaluation of Two Models of Parental Obligation, 86 Cal. L. Rev. 41, 57-72 (1998).

See, e.g., State v. Hall, 418 N.W.2d 187, 190 (Minn. Ct. App. 1988) (holding child support award against singer Daryl Hall capped by guidelines because "it would be inappropriate to use a child support obligation to upgrade [mother's] standard of living").

The legal system's objectives of increasing child support awards and payment for both marital and non-marital children represent a "radical change in theory, and an even more radical change in reality, within the span of only a few decades." Dowd, supra note 7, at 145.

Id. at 144. This is grounded in the history of child support and confirmed in its modern iteration: "Child support is commonly viewed as a proportionate share of parental income, not of children's needs. Proportionality means that parental resources may be adequate for needs but are not tapped, while, in other cases, parental resources are not adequate but not so inadequate as to trigger state support." Id.

Annamay T. Sheppard, Paying for Women's Work: The Unfinished Business of American Family Law, in Comparative Perspectives: Gender Bias and Family Law 1 (Barbara Stark ed., 1992); see also Ann Crittenden, The Price of
Notwithstanding low guidelines, which impose a relatively minor burden on most non-custodial parents, collection rates remain low, especially in non-marital cases. As Carbone explains:

[M]any . . . mothers never seek support in the first place. Their reasons are varied. They include the father's poverty, his disappearance, fear of his reaction, and the desire to exclude him from a further role in the child's life. They may also include a mother's sense that it is unfair to seek support from the father if he had no role in the decision to forgo contraception, or the one not to seek an abortion.\textsuperscript{147}

Many fathers have a similar perspective. According to Dowd, "fathers back away from the breadwinner role after divorce or if they never marry. . . . Fathers see any decline in payment of child support as justified by the decline in contact with their children."\textsuperscript{148} In short, even if child support is paid, it is usually inadequate.\textsuperscript{149} Fathers are reluctant to pay even low child support, and sometimes mothers are reluctant to seek it, because fathers aren't getting what they pay for and mothers don't want them to. Society (that is, the rest of us) views this as a private matter, as long as the mother and children do not qualify for welfare.\textsuperscript{150}

\subsection*{C. Welfare}

The gap between children's needs and the resources to meet those needs is even sharper in the context of welfare,\textsuperscript{151} where

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\item[\textsuperscript{147}] \textsc{Carbone, supra} note 3, at 162-63.
\item[\textsuperscript{148}] \textsc{Dowd, supra} note 7, at 153. "If you're not involved emotionally, there's no motivation to stay involved financially," according to Robert Green, a member of the Texas Fathers Alliance which worked to amend the Texas Family Code to include a presumption of joint custody in 1995. \textsc{Goldberg, supra} note 20, at 52.
\item[\textsuperscript{149}] "Strong evidence demonstrates that even if the system were fully implemented and all support were paid, the support would be inadequate to meet the needs of children." \textsc{Dowd, supra} note 7, at 222.
\item[\textsuperscript{150}] Even if the children do qualify for welfare, there are constitutional limits on methods to coerce payment. \textsc{Zablocki v. Redhail}, 434 U.S. 374 (1978) (holding that fundamental right to marry cannot be conditioned on payment of past child support). \textsc{But see Associated Press, Court Lets Stand Ban on More Kids Unless Man Pays Child Support, MILWAUKIE J. SENTINEL, NOV. 24, 2001, at 2B (reporting Wisconsin Supreme Court's decision to uphold lower court decision sentencing David Oakley to prison for failure to pay child support stayed in favor of probation on the condition that Oakley not father any children unless he could prove to this court that he could support the new child in addition to his other nine).}
\item[\textsuperscript{151}] "The poverty statistics for all children are alarmingly high, but for Black and Hispanic children the figures are catastrophic. More than 40 percent of all Black and Hispanic children are poor, compared to 16 percent of white children." \textsc{Dowd,}
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virtually all recipients are women. As Carbone vividly shows in her contrasting stories of unwed mothers, one black and one white, the black woman "receives [support] from the African-American community . . . strengthened by the hostility they know [she] will receive from whites and the conviction that adoption is not a viable option for black babies." The point of welfare is not to support such mothers, but to perpetuate values about family structure that are irrelevant to them.

Dowd is even more emphatic, arguing that we fail to make welfare benefits sufficient to support children because we are afraid that doing so will encourage irresponsible reproduction. She rejects this as part of a profoundly gendered ideology, which persists in casting men as breadwinners and women as nurturers. She argues that the scope of these gendered constructs can only be appreciated by looking at the broader, worker-oriented structure of tax and social security benefits. These laws combine with welfare laws and child support laws to perpetuate the same gendered division of labor described by Becker and criticized by Okin. This division of labor is a major obstacle to Dowd's "social fathers" and she proposes specific measures to counter it, including "universal, non-needs-based subsidies, tax benefits to individuals and businesses, paying salaries and benefits to nurtur-

\[supra\] note 7, at 68. As Dowd notes critically, "the rate of child poverty shows little sign of abatement as sufficiency issues have been unaddressed while the focus has been on enforcement [of child support]." Dowd, \[supra\] note 7, at 146.

\[152\] Id. ("The welfare system was never intended to benefit fathers. Fathers were presumed able to work and support their families under the breadwinner definition of fatherhood. The social welfare system for men was linked to work, to benefits that were seen as entitlements—unemployment, worker's compensation, and disability payments."). Citing Richard Collier, Dowd describes the court's outrage where a father

wanted to live on social security in order to care for his four-year-old child. The judge stated that it would be plainly wrong and silly if the father were to remain unemployed in order to look after one 4-year-old boy . . . I shall take a great deal of convincing that it is right that an adult male should be permanently unemployed in order to look after one small boy.

Dowd, \[supra\] note 7, at 134.

\[153\] CARBONE, \[supra\] note 3, at 199.

\[154\] Id.

\[155\] The danger of providing economic support to families is not that it would promote irresponsibility, but rather that we might avoid dealing with the more difficult structural problems faced by men disadvantaged by race, class, or sexual orientation, especially the lack of economic opportunity tied to educational, housing, and employment problems.

Dowd, \[supra\] note 7, at 222.

\[156\] See CARBONE, \[supra\] note 3, at 16-19.
ers, or supporting credits...for nurturing work, akin to the valuing of military service through the range of veterans benefits and preferences." For Dowd, nurturing work is as critical to our collective well-being as defense.

**CONCLUSION**

Children are a long-term, collective investment. These books contribute significantly to the rhetoric necessary to make this investment a political priority. Whether such rhetoric will suffice, of course, is an open question. As Carbone points out, pro-family rhetoric has historically imposed most of the costs on women. While she seems reluctant to perpetuate this imposition, conservative support may well be crucial in implementing a pro-child agenda. At the same time, the pro-family movement risks paralysis if it tries to be all things to all factions. Dowd, similarly, makes a convincing argument that men would benefit from the kind of social supports that Western Europe has long taken for granted. Her vision of a strong social safety net has always been a hard sell in America, however. It's no easier

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157 Dowd, supra note 7, at 221; see also Bartholet, supra note 20, at 163-75 (describing early intervention through home visitation programs for first-time mothers).

158 See, e.g., Starr, supra note 132, at 9 ("[R]aising children is not just another form of personal satisfaction; the flourishing of the entire society depends upon the willingness to undertake it.").

159 See generally Margaret Buttenheim, *Women or Children First?*, Women's Rev. Books, Mar. 2001, at 10, 12

(All [three books reviewed] acknowledge that, post-divorce, the primary work of raising children, supporting them, nurturing them, providing whatever college money they receive, often falls to women, and women in general do not have the financial resources to do this well. To the degree that we leave to each woman alone the job of getting her children into the lifeboat, as a society we are abandoning our children.).

160 Carbone, supra note 3, at 35-41; Starr, supra note 132, at 9

(The child benefits and other European policies that Crittenden holds up as models have long enjoyed conservative support, partly because of their pro-natalist implications. If the white Protestants who make up the heart of American conservatism start to worry more about their own falling birth rates, they might begin moving in that direction.).

161 As Princeton Professor Paul Starr notes, "[c]ompared with the European societies that offer paid maternity leave of up to a year (with benefits based on prior earnings) as well as child benefits (cash payments per child not contingent on poverty), America has not done much to spread the costs of motherhood." Starr, supra note 132, at 9; see also Barbara Bergman, Saving Our Children From Poverty: What the United States Can Learn From France (1996).

now, as Western Europe retreats from expensive social welfare programs and the United States congratulates itself on the "end of welfare as we know it."\textsuperscript{163}

At the same time, as both authors demonstrate, they are hardly fighting against an irresistible tide. Rather, they are riding currents which already support some of their proposals. The parents whose stories fill these books, such as Dowd's "serial fathers" and those at "ground zero in the gender wars"\textsuperscript{164} in Carbone's account, suggest major, still untapped support for the child-centered visions of these authors.\textsuperscript{165} Reading these books in tandem provides a sense of the dynamic of change, the synergy between Dowd's relentless deconstruction and Carbone's equally indomitable synthesis, through which such visions may be realized.

In \textit{A Heartbreaking Work of Staggering Genius},\textsuperscript{166} the brothers achieve a similar synergy when they play frisbee.\textsuperscript{167} They become, however briefly, ordinary American boys on a beach, an everyday miracle:

There is nowhere I stop and you begin... when Toph catches his, he flexes with a fury, his muscles just these taut strings, his mouth open, teeth straight and pushing so hard against each other. And when I catch I do it, too, I flex and yell and vibrate—Can you see this? Goddamn, look at that fucking

\textsuperscript{163}This was President Clinton's campaign pledge. George Rodrigue, \textit{Clinton Signs Controversial Welfare Bill}, \textsc{Dallas Morning News}, Aug. 23, 1996, at A1; see also PRWORA, supra note 141.

\textsuperscript{164}CARBONE, supra note 3, at 180-94 (describing custody disputes).


\textsuperscript{166}See EGGERS supra note 1.

\textsuperscript{167}"Oh, we are good. He's only eight but together we are spectacular. We play by the shore, and we run barefoot, padding and scratching into the cold wet sand. We take four steps for each throw, and when we throw the world stops and gasps." EGGERS, supra note 1, at 67.
throw did you see Toph throw that goddamn thing, the trajectory on that fucking thing? It's going way past me but I can run under it, I am barefoot and run like an Indian and I can look back and it's still coming, I can see Toph in the distance, blond and perfect... and I am there as [the frisbee] drifts down and into my hands, my hands spread out, thumbs as wings, because I am there, ready to cradle it as it spins just for a second until it stops. I am there. I was there. Don't you know that I am connected to you? 168

Dowd and Carbone do know that they are connected to struggling pomo parents like Eggers, as well as to the child he is trying to raise. 169 Both would respect the brothers' privacy, the intimate space of the family that they inhabit even on a public beach. But both would willingly join in the game (if Eggers let them), because they also know that the terrible responsibility of raising Toph should not be his alone. 170

168 Id. at 436.

169 Postmodern analysis, as both authors show, is not necessarily devoid of empathy and compassion. Dowd would affirm Eggers's connection to the larger community. She would also provide him with much-needed parenting education. See supra note 4 and accompanying text; Dowd, supra note 7, at 225-29; see generally Peter Salem et al., Parent Education as a Distinct Field of Practice: The Agenda for the Future, 34 Fam. & Conciliation Cts. Rev. 9, 10 (1996). This would simply be a first step: “It is also necessary to reorient those institutions and people who most directly deal with fathers—such as courts and hospitals—so that they do not perpetuate assumptions that undermine social fathering.” Dowd, supra note 7, at 226. Carbone would provide him with practical assistance, including a “community infrastructure that looks out for children, socializes them into adult roles, and bridges the gaps that families fail to fill.” Carbone, supra note 3, at 241.

170 Eggers invites other real people to wander in and out of his book. Eggers, supra note 1, at app. 9-13. Transgressing the boundaries of genre and medium is characteristic of postmodern method. Stephen Feldman, The Supreme Court in a Postmodern World: A Flying Elephant, 84 Minn. L. Rev. 673, 693-97 (2000). Carbone merrily transgresses these boundaries throughout her rigorous and scholarly work by inserting comic strips, cartoons, and sitcoms. See, e.g., Carbone, supra note 3, at 9, 15, 19, 29, 64-65, 97, 133, 143, 153, 162, 179, 194, 210, 226. Dowd is similarly playful, although more restrained. See, e.g., Dowd, supra note 7 (cover photo of a man's arms and a gleeful airborne baby); id. at 19-21 (describing fantasy Father's Day).