

Child support through the lens of conflict theory



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“ Conflict is a normal discord resulting from individuals or groups that vary in attitudes, beliefs, values or needs. “ According to conflict theory, disparity exists inasmuch as those who control the vast majority of resources in a society and those who do not. Who ever controls the property and resources will also concentrate wealth to influence economics, media and the legal system to benefit them and to protect their interests. Conflict theory holds that social order is maintained by domination and power, rather than consent and agreement. “ Child support has become a multi-billion dollar industry in this country. The States have major economic incentives in collections which is the driving force behind the destruction of the American family. Child Support Enforcement actually began more than 100 years ago with legislation known as the Uniform Desertion and Non-Support Act http://test.washburnlaw.edu/profiles/faculty/activity/_fulltext/elrod-linda-1990-6journalofthemericanacademymatrimoniallawyers103.pdf The system then evolved as a federal child support and paternity legislation was enacted in January 1975” <http://adrr.com/law1/csp11.htm>. Among other things, child support enforcement services were required for families receiving assistance under AFDC, FC, and Medicaid programs. Prior to the enactment of the federalized policies for child support enforcement, the US had the hisghest compliance of child support in the world. At stake are many questions as to the policies and procedures implemented to justify the means to an end. Unfortunately what is thought to be done in the “ best interest of the child” could be further from the truth. The legal definition for “ in the best interest of the child” is financial support.

” Under former subsection (4) of this section, parental earning capacity is a factor to be considered with the best interests of a child in determining the amount of child support. A determination of the best interests of a child or children includes a judicial decision based on evidence, not exclusively on a parental stipulation for disposition of a question concerning the parties’ child or children. *Schulze v. Schulze*, 238 Neb. 81, 469 N. W. 2d 139 (1991).”

<http://nebraskalegislature.gov/laws/statutes.php?statute=42-364>

If not the children then, who would benefit the most from the shift in government policy as it pertained to child support enforcement and collections?

“ The current US form of child support enforcement was derived out of Soviet Family Law (n/k/a Russian Family Law), Article 81. It was adopted in 1976 in the USA under what is known as the “ Wisconsin Child Support Enforcement Model” or “ Wisconsin Model” and was promoted in the United States by Irwin Garfinkel” <http://adrr.com/law1/csp11.htm>. It involves the income shares approach—how much each parent makes determines how much child support is paid; rather than the true cost of raising children. As the Communist Manifesto says: “ Each according to ability; each according to his needs”. Our child support system was conceived and implemented as part of the former Communist way of doing things. . From then on, the corporate government set up a massive, taxpayer funded industry that has been an abject failure. Other than terrorizing people, destroying families, and harming children, the child support enforcement industry is nothing more than a debt collection agency with KGB power.

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“ Robert Williams’ involvement in child support issues coincides with the formation of his company, Policy Studies Inc. in 1984. We find no record of his involvement in family questions, no history of academic achievement in the field or even evidence that he’s qualified to deal with complicated policy / design issues. He came from nowhere in the mid-1980s as the Office of Child Support Enforcement’s choice to provide technical assistance to the states in developing child support guidelines and was able to provide nothing except extreme policy views. Without having any legal authority, or a logical or scientific basis for his recommendations, he has to a very great extent dictated child support policy in all states ever since. Most disturbing of all is that his business operations include a collection company that takes a percentage of the amount of child support paid. Mr. Williams therefore has a direct financial interest in increasing award amounts. By the time the Child Support Enforcement Amendments were proposed in 1984, which began a dramatic expansion in the office’s size, budget, and powers, most politicians were talking as if “ deadbeat dads” were the nation’s most serious problem” <http://adrr.com/law1/csp11.htm>.

Marx viewed the ruling class attempt at defining what constituted a family as a way of controlling the masses. The ideal type by definition was really only obtainable by their standards which the masses sought to emulate. The pacification of the working class has been achieved by way of “ emotionally charged issues”. These issues are perpetuated by a mass media campaigns created to aid in the implementation of policies which cause the masses to act against their own self interest. As long as “ class consciousness” is not

realized, exploitation of the family with current child support enforcement policies will continue to alienate the working poor family structure.

Marxist theory contends that for continued success of capitalism to occur, there must be a large group of underpaid, uninsured, uneducated workers. Capitalism has always relied on free, or nearly free, labor, and it cannot continue without it. Alienation from the process of parenting occurs as fathers are marginalized. Prior to the Soviet form of child support, parents could settle their alimony and support obligations through agreement or court. However admittedly during this period men had more power and women were seen as caretakers which left them at the mercy of the fathers. It is important to note however that the support system was geared mainly towards middle class and upper class families. Family is no longer autonomous but is now an object of exploitation as a vehicle to produce more revenue for the state. The more money a state collects on child support the more matching dollars they receive from the feds. It is important to understand the "economic incentive" of the states. It is in the best interest of the states to have a judicial system that sets the initial payments of support (arrears) so high there is no way for the lower class or the poor to pay. From the beginning of the process the NCP has accumulated thousands of dollars of debt with no legal representation or rebuttal of the exorbitant amount. Capitalism buys labor only, and it rewards labor with only money. For Marx, this is a form of prostitution. A win win for the system because now they have a guaranteed pool of laborers willing to sell the only thing they have, labor. The state then provides the labor to

which the laborer loses through sanctions and wage garnishments before he / she even sees a dime of their pay.

Karl Marx saw society as fragmented into groups that contend for social and economic resources. "“ Marx maintained society is in a state of continuous conflict due to competition for limited resources” . Marx viewed society as stratified which comprise 3 classes. . The bourgeoisie own the modes of production and their income is derived from profit. They produce nothing but it is this class where over 90 percent of the wealth of a society is concentrated. The landowners derive their income from rent. The proletariat own their labor and sell their labor to the highest bidder. The very nature of capitalism ensures the last group will become consumers of the very goods they produce as workers. The products and services the workers spend their money on are returned as profit to the bourgeoisie or wealthy. Wealth is ownership of property, not status or income. It is this dynamic groups and individuals advance their own interests and conflict ensues over control of the socio-economic resources. Social order is maintained by the majority who control the bulk of the social, political and economic resources. Those with little to no investment or influence are basically coerced to “ go along to get along” or face the wrath of those who control the wealth and resources. This is not a symbiotic relationship of shared values or beliefs between classes but one of power and domination. The political and economic will of the wealthy upper class influences all aspects of that society’s structure. There is more deference to class, race, and gender in this view for as much as they are seen as the grounds of the most relevant and lasting characteristics of conflict in social structure. What is strikingly similar with

the issue of child support enforcement is that it's coercive nature has been legitimized by law that states may profit from it. Marx theorized how "alienation of workers" is a by product of capitalism:

" In what, then, consists the alienation of labor? First, in the fact that labor is external to the worker, i. e., that it does not belong to his nature, that therefore he does not realize himself in his work, that he denies himself in it, that he does not feel at ease in it, but rather unhappy, that he does not develop any free physical or mental energy, but rather mortifies his flesh and ruins his spirit. The worker, therefore, is only himself when he does not work, and in his work he feels outside himself. He feels at home when he is not working, and when he is working he does not feel at home. His labor, therefore, is not voluntary, but forced-forced labor. It is not the gratification of a need, but only a means to gratify needs outside itself. Its alien nature shows itself clearly by the fact that work is shunned like the plague as soon as no physical or other kind of coercion exists." <http://faculty.frostburg.edu/phil/forum/Marx.htm>

Child support enforcement policies have also alienated parents from their children. The way the Child support system has evolved naturally produces conflict of all parties involved. Parents are placed in adversarial roles by the state and children are objects used to justify a means to an end. What is disguised as a moral imperative is nothing more than greed which has ushered in another form of indentured servitude. Many parents who do not have custody of their children are ordered by the legal system to pay by any means necessary or, face revocation of their civil liberties, including jail.

What was once considered a civil family matter has now been criminalized
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by federal and state government. . “ The alienation of the worker from his product does not only mean that his labor becomes an object, an external entity, but also that it exists outside him, independently, as something alien, that it turns into a power on its own confronting him, that the life which he has given to his product stands against him as something strange and hostile.” Now the worker is not only aalienated from his labor but, from the child as well. The entire dynamic is fueled by conflict as the workers’ paycheck and his/her children become the resource objects where policies are legislated to coerce payment to reimburse the state for resources paid to AFDC, TANF recipients.

In summary, Marxist Conflict Theory maintains that the basic financial inequities between the owners of production and the workers results in two different value systems existing in the same society. Because of disparities in the reward structure, working class people naturally (and most righteously) will feel that the society has used them up. Religion, family values, the work ethic are all devices used by the ruling class to blind working people to the reality of their situation. Working people become alienated from each other and their families. Until they realize, as a group, the truth and rise up, class consciousness will not occur.

Conflict in a system is intensified in three ways. First, when there is intensification of deprivation, or the perception of deprivation, between subsystems (i. e., “ His is bigger than mine!”, “ You can’t cut funding in my district!”, and so on) relations between system units (people) are strained. Second, when legitimacy of existing distribution of power and wealth is withdrawn or changed, as in a divorce, remarriage, a new governmental <https://assignbuster.com/child-support-through-the-lens-of-conflict-theory/>

administration, system units tend to grab as much of the available wealth as possible. The third way is a mediator-increased conflict is dependent on the degree of emotional involvement of the system units. If emotional involvement is low, conflict will not escalate.

Functionalists are critical of the conflict theory. Functionalists posit that it's not always about money and people are not always acting out of their own self interest for monetary gain. Functionalists believe in the legitimacy of institutions because they serve an important function to society. They believe you can really succeed with the current institutionalized system by just working hard to achieve economic success in families.