

**DRAFT**

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**TEXT(URE), TALK AND AUDIOTAPE:  
WHY TEXT IS NOT ENOUGH**

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**Context**

I am writing this paper at point when I feel a strong desire to ‘retreat’ into the realms of text and theoretical analysis of legal texts. My choice of the term ‘retreat’ is, of course, significant. It suggests that text provides the academic with something of a haven, a place of quiet reflection, where there may be fewer responsibilities and ethical pitfalls. It also suggests that I adhere to an interpretation that sees textual analysis as slightly apart from the ‘real’ world and, although this is not wholly true, there are some elements of this interpretation in what follows. Given that I currently yearn to return to this kind of analysis, it may seem surprising that I should be attempting to present a paper that promotes the analysis of talk rather than text. In fact, I would not presume to promote one over the other, rather my argument is that we need both and that, rather than consigning some to do empirical work (by which I mean listening to and analysing what is said) and others to do textual analysis, we would all benefit from doing both. So I do not seek to present empirical work as unproblematic<sup>1</sup> (that would be foolish) nor wholly rewarding, but I do want to suggest that it provides different insights and understandings that we should not ignore. Hence my reference to texture in the title which refers to forms or layers of meaning which are accrued through the collection of accounts from different social actors. The reference to ‘talk’ in this paper covers, of course, what people say in interview, and audiotope is the standard method of capturing

what people say, which in turn enables the researcher to turn talk into text through the process of transcription.

It must, at the outset, be recognised that the kind of talk I am referring to is neither natural nor spontaneous but the result of an ‘unnatural technology’ (Rose, 1996) namely the interview which frames and constrains what is said in a myriad of ways. Moreover, the process of transcription robs speech of a great deal of its texture even if pauses, laughter and tears, are indicated in the text. Interviews require respondents to provide a linear narrative, which is then ‘flattened’ onto a page of typescript, robbed of a great deal of expression and non-verbal communication. So, ironically, the spoken word becomes text, but it retains its links with what is said and what is meant in an interactive context and this is ‘available’ for interpretation in varying degrees.<sup>2</sup> So the collection of narratives and comments can offer different forms of knowledge of and understandings of social phenomena. I shall elaborate further on this below as well as pointing to the extent to which talk comes to imitate text in a paradox that mirrors the way in which life comes to imitate art. I shall conclude with some thoughts on whether the power of the text (through the media and internet) is robbing talk of its intrinsic value as a means of accessing the variety of experiences which are not represented in dominant discourse. But first I shall give an example of why text alone can sometimes be frustrating if one seeks a social analysis of legal issues.

### **Re R (a child) [2003] 2 All ER 131**

I want to start by giving consideration to a particularly significant case, namely Re R. I am treating the report on this case as an example of text in order to shape my argument on why the analysis of text needs more texture if we are to understand what such cases ‘mean’.

The elements of this case as reported are that a child (a girl) was born in 2000 as a consequence of IVF treatment involving egg removal and embryo replacement, and anonymously donated sperm. The couple in this case were not married but had been in a long term relationship and had been seeking assisted conception since 1994 as a consequence of the man's infertility arising from testicular cancer. The 'couple' underwent one course of treatment which did not result in pregnancy, but by the time the woman returned for the second and final course the couple had split up (at the end of 1998 or start of 1999). She did not inform the clinic of this. The treatment was successful, resulting in the birth of a daughter who was the genetic child of the birth mother, but not genetically related to her former partner. On the birth of the child the man applied to the court for a parental responsibility order and a contact order. At this stage the mother was already in a new relationship.

In the first instance the man was granted (indirect) contact and ultimately parental responsibility. Hedley J stated 'Accordingly I declare that pursuant to s 28(3) of the 1990 Act he is the legal father of this child' (*B and D v R* [2002] 2 FLR 843 at 846). The judge's reasoning was straightforward. He argued that the couple entered into a joint enterprise, namely a course of treatment, together and neither of them withdrew consent to the treatment. Although their circumstances changed, the hospital was not informed and so the original consent form was still the legitimate legal context which governed the birth of the child. Hedley also pointed out that not only had the man agreed to be the legal father of a child who would not be genetically related to him, but that a sperm donor had been selected whose general physical characteristics would match those of the prospective legal father. Not surprisingly much emphasis was placed on the meaning of the words in the 1990 Act read in the context of the purposes of the legislation as a whole. Hedley's reading of this text (i.e. the Act) formed the basis of the text of his judgement and he concluded that a core purpose of the

legislation was for assisted reproduction to be facilitated in the context where a child would have a (legal) father. He felt therefore that there was a clear, simple and certain approach, namely one that recognised that there had been an original agreement from which neither had withdrawn, and the man was willing to be the father, and the ‘provision’ of a father was one of the desired outcomes of the Act.

Hedley’s judgement is (apparently) a sound example of an abstract (objective) reading of legal text. The people whose lives he was pronouncing upon were little more than abstract concepts, with less significance than the texts to which he necessarily referred. What mattered to Hedley J was the ‘contract’<sup>3</sup>, the meaning of the Act and various terms (i.e. the meaning of ‘a course of treatment’) and whether various conditions were met (i.e. whether anyone withdrew consent). The only hint that this was anything to do with real live people and emotions was when he stated:

Of course in this case one must have considerable sympathy with B. He wishes to be R’s father and has responsibly fulfilled his obligations under my original order. Likewise the mother (to her credit) has allowed and even encouraged him to do that. Sympathy is, however, an unreliable aid to statutory construction. On exactly the same facts one could have a woman seeking money from a man, despite her deception, and asking for an order under s 28(3) for that purpose. In those circumstances the sympathy would be all the other way. (B and D v R [2002] 2 FLR 843 at 845)

But of course Hedley – at the same moment as he invokes the realm of the emotions – apparently rejects the stirrings of sympathy to arrive at his objective and clinical judgement.

In raising this point I do not wish to go back over familiar terrain about whether law/judgements/judges are ever objective and impartial, rather I raise it because anyone reading this case is going to be struck by what an emotional minefield it is, and will have to deal with their feelings of sympathy or outrage with one or both parties. Yet at the same time we do not know which party we should have the greatest sympathy for because we only know

the ‘facts’ of the case and virtually nothing about the motivations, intentions, and characters of the main actors. I shall return to this point later.

The mother appealed against the judgement by Hedley J that her former partner should be granted a parental responsibility order (she did not appeal against the indirect contact order<sup>4</sup>) and the appeal was heard by Hale LJ and others, with Hale providing the leading judgement. The mother’s appeal was upheld and Hale also raised a query over the benefit of the indirect contact order, suggesting that it might be sensible to review it but recognising that the case was reserved to Hedley J to decide, should it be taken back to court by the mother.

On the issue of paternity, much of Hale’s judgement was taken up with debating issues about timing and the meaning of a ‘course of treatment’. I will not go into detail about her reasoning, other than to say that it led her to a conclusion at variance to that of Hedley J. But her judgement did not rest there; it brought in other factors and it is these that are of interest.

Firstly Hale argued (in agreement with the QC acting for CAFCASS) that

... s 28(3) is an unusual provision, conferring the relationship of parent and child on people who are related neither by blood nor by marriage. Conferring such relationships is a serious matter, involving as it does not only the relationship between father and child but also between the whole of the father’s family and the child. The rule should only apply to those cases which clearly fall within the footprint of the statutory language. (Re R (a child) [2003] 2 All ER 131 at 137)

We do not know, of course, whether the man’s parents wanted to acquire a legal grandchild through the route he chose, but what is interesting is the way in which Hale invokes a picture of relationships beyond that of the putative father and the child. We get a glimpse of the possibility that the mother would be drawn into a relationship with her former partner’s parents who would become ‘grandparents’ with an interest in the child. We start to move beyond the realm of technical meanings and timings towards a possible appreciation of what

this judgement might mean for the lives of quite a large number of people. However this point is not pursued.

Hale then raises the issue of whether the child would benefit from the presence of her mother's former partner in her life. She does not express a view, but she makes it clear that the benefits are not self evident. Later she also notes that his presence in her life might actually destabilise the family in which she is being brought up and she suggests that this would be detrimental. These remarks, like the one above, hint at a wider canvass against which the small details of 'timing' and 'terminology' are played out. What, for example, does the mother's current partner feel about her former lover staking a claim in their future together?

Finally Hale returns to the issue of sympathy and whether it should guide legal judgement. It might seem that she is sceptical of Hedley's ability to avoid being led by his own sympathies – but perhaps I am reading too much into what she says. She states:

... it is helpful to consider whether the conclusion reached in a case where one's sympathies lie in one direction would be equally attractive in a case where one's sympathies would lie the other way. ... Cases such as this, where a man wishes to assert paternity against a mother who wishes to deny it, are by no means uncommon. But had this mother been wishing to extract child support from this man, the court would have been slow to adopt a construction which would allow her to do so. (at 139)

It would appear that she is asserting that if the facts governing conception were unchanged, with the mother conceiving a child using some element of deception (as in this case), the courts would not have forced paternity onto the unsuspecting (genetically unrelated) former partner<sup>5</sup>. Thus Hale argued, by inference, that his claim to paternity should not be forced on the unwilling mother. In posing the issues in this way, once again Hale hints at a much wider set of issues. No longer is this case a matter of two, autonomous individuals who have

stumbled into a moral and legal dilemma. Rather it becomes located into the wider social field of gender politics on the one hand, and also the more focused – but equally significant - issue of the intentions of both the mother and the former partner.

By the time one gets to the end of reading the reported case we realise that we have no real understanding of what was going on at all. If we try to read this text into a broader political, sociological or even psychological context we find that we have very little to go on. For example was the putative father funded in his case by, let us say, Families Need Fathers who have funded a number of legal cases in recent years? If he was, what would this signify? Would this mean that his intentions were purely political, taken in the interests of fathers as a whole, rather than in his own interests or to meet his own needs, or even to meet the interests of the child? Did he take the case because he wanted to re-establish a connection with the mother and hoped to have a ‘family’, or was it out of jealousy and a desire to wreck his former partner’s new relationship? Was he a man who simply wanted to do his duty to a child he felt he had a responsibility for bringing into the world? Did he perhaps feel that this was his last chance of ‘fathering’ a child given that he could not envisage establishing another relationship with a new partner who would be willing to undergo AID or IVF?

And what are we to make of the mother’s actions? Was her deception of the Infertility Clinic justified because she could not tolerate the thought that the embryos she had created might be allowed to perish if her former partner knew of her designs and withdrew his consent. Why was she against her former partner having legal paternity if she was willing for him to have indirect contact with her daughter? To what extent was she happy with indirect contact or did she feel she had to concede this lest it reflect badly upon her? Was she happily anticipating direct contact once the child reached 3 years (as intimated in the court order) or was she

fearful that the more contact her former partner had, the less committed her new partner would feel?

Is this case to be categorised as another instance of the current gender wars over children and parenting? Hale LJ located it in the context of the switch in attitudes by men towards their responsibilities as fathers and pointed out that it was no longer unique that cases over paternity are now likely to be about putative fathers wanting to claim the legal status of fatherhood whereas formerly they were almost universally about men wishing to disinvest themselves of any responsibility for putative offspring. Or is this action less an indication of a change in gender politics and more a continuation of an older theme whereby men seek to control women through their (fathers') legal rights over their (mothers') children?

These are all questions that I would like to address in order to understand the significance of this case, but without interviewing the parties it is hard to justify speculation. Of course, interviewing the parties does not provide access to the (singular) 'truth' of this case, but what it would do would allow some understanding of what the parties thought they were doing in going to court, what meanings they attributed to their actions and the actions of others, how they located themselves (if at all) in the current gender wars, and what both felt might be in the best interests of the child.

### **How listening changes perceptions/analysis**

In case I am misunderstood, let me emphasise again that I do not imagine that interviewing the parties to a case such as Re R would simply provide answers, or would provide a few missing pieces to a jigsaw puzzle which could then be completed. With in-depth interviews one moves into a different set of shifting meanings and incomplete understandings, but at



least you have access to (a window onto) some of the perceptions, understandings and narrative accounts of others. Interviewing allows you, briefly, to stand in the shoes of another person and to appreciate to some degree how they see the world. This is not always comfortable. Moreover, it draws you into an ethical relationship with the person interviewed and this requires you to behave respectfully and to acknowledge other world views, no matter how much you might disagree with them. This is one reason why empirical work of this nature can be very demanding, and why one might want to retreat to texts. In recent years I have been reduced to tears by the narratives of children, I have felt intense anger at various injustices or abuses (by my lights), and I have felt battered by the hatred and hostility (and recently even a little fearful). But it is not just the problem of listening to such accounts, one then has to work with them and frame them into an analysis.

### **What is the use of talk?**

Gradually, over the last decade, sociology as a discipline has begun to appreciate the value of qualitative research methods. Methods that use in-depth interviews, life histories, qualitative longitudinal work, ethnographies and so on are seen as a means of understanding why and how people live their lives in certain ways, why they make decisions (if indeed they do), and most importantly they are ways of getting at what matters to people. Moreover, people are increasingly seen as multidimensional, operating at a number of levels, and drawing on meanings from a range of spheres both consecutively and concurrently. Moreover, people are increasingly understood in terms of connectedness with others, with culture and with history. Thus increasingly human development is seen as a *relational process* (Bengtson *et al* 2002:20). This has been described by Elder (1994) in terms of *linked lives*, meaning that our lives are influenced by the lives around us and lives that went before us. In addition Bengtson *et al* introduce the concept of *nested contexts* through which people are situated in the context

of local, regional, national and global events and conditions. In other words, they argue that we must always be attentive to these different levels and how they provide the context for even individual action. They also insist on adding the element of *time*. Individuals are seen to traverse time in two ways. One is biographical time where the individual has their own history and trajectory; the other is social time or social history which is the wider context understood through transition rather than fixed in a timeless, unchanging zone. Once we move into the richness of this kind of analysis we can begin to appreciate how one-dimensional many sociological accounts are. However, one also needs to appreciate how hard it is to work at so many levels all at the same time.

My rather puny emphasis on ‘talk’ does not quite reach the goals that qualitative research now strives to attain, however, speaking to people does seem to be a most important, indeed vital, ingredient. We might understand some issues without speaking to people, such as changing socio-economic contexts, or the rise of new social movements etc. However, we will not necessarily know how people weave these changes into their lives and how (if) their values and behaviours change as a consequence. And if we want to understand the dynamics of certain behaviours we need to know about the significance to people of the traditions they carry with them, or reject; we need to understand how they perceive their situation and the avenues open to them, and we need to know their social and family context. So, returning to Re R, to understand the social meaning of this case it would help if we could understand whether, for example, the putative father was imbued with a new ideology of claimant-fatherhood and was seeking his 5 minutes of fame, or whether he was an apolitical man of strong principles and a strong sense of obligation which would have committed him to a child born in this way regardless of whether the mother no longer cared for him.

I propose to elaborate on these points by using some excerpts from recent interviews with fathers<sup>6</sup> as examples of the way in which interviews add texture to a field, while also presenting serious challenges. These fathers are involved in disputes over contact and although their circumstances are not the same as the putative father in *Re R*, these interviews capture some of the same issues involved in the contemporary struggle over fatherhood today.

**Father 1:** No I have not seen [son]. She stopped all contact at three and a half years.

**Int:** Three and a half years after that decision that agreement of one hour [per fortnight]?

**Father 1:** Yes after that decision. I kept asking through my solicitors for more time and tried to get her to see that I could not, that is was too upsetting for me and for the boy, but she would not move at all and in the end I kept going back to court and in the end I was deemed to be a vexatious litigant and they hit me with a section 91.14 which is a really draconian order; basically it means that you cannot make any more orders without the leave of a judge. And that has stayed in place until 2004. Every year I go to court asking to progress my case and he does not, and he knows what I think of him and he knows that I know his days are numbered. The man is a dinosaur. I have appealed against him, I have completed my own appeal process up to the High Court in front of [Y] and what he done was he actually stitched me up so tight in his judgments that there was no room for them to overturn them. But they were so one-sided and all the power was with him, he did not present any of my case at all in his judgments, he basically put his own case so that when it went up to the High Court and was examined it could be seen. ... He basically stitched me up so tight that he was seen to be foolproof and what he did was he made the decision and then basically constructed a judgment around that decision picking out points that had gone on over a three and a half year process to turn me into some sort of madman which was the odd incident. ... Most people would say "Oh yes that happened years ago," well he brought them all to the floor and constructed a judgment to basically get me out of his [court], because he was basically fed up with me turning up in the court and that is what he had done. And that is what these people are like in the county courts. They have that power, so that is where I have been ever since.

**Int:** So going back to the process at the beginning, did you have contact with a court welfare officer?

**Father 1:** Yes, I had a court welfare officer and she was absolutely hopeless. In fact I remember constructing an eighteen page response to her report which was so poor it was laughable. You think you know, it was full of untruths. She had not done anything, she told me that she was going to visit the mother of my son and my son at the mother's home. She never even did that, she only ever visited me. She made like sweeping comments and judgments over half an hour contact with me and my son, you know she formed that to be some sort of super psychiatrist to go through what she managed to glean from a half hour's playing with my son in a garden. And what she had done was because the mother of my son put up animosity and she did not want any contact she basically took that as, "Well right, that is it" and went to court and got in the box and told the judge that there should not be any more contact, which

basically was used against [me]. Instead of saying “This woman is mad”, he basically took what she had to say and then done it. ... But these people, these court welfare officers, as I understand the judge takes a lot of notice of them, they have got no training and they are basically glorified probation officers. They have got no experience whatsoever of children, so I was totally shocked by her report. She virtually ignored everything I told her and just put the mother’s case down in the report so that had quite a strong derailment for my son losing his father sort of thing. Derailed my case I should say.

**Int:** What was the case against you having contact?

**Father 1:** Against me having contact? That I was unaccepting of the court’s order, being abusive to the mother, which was like nothing really, I mean given what I had to go through I mean any human being would have picked up the phone and given her a mouthful. And basically I think a lot of it also swung on the court welfare officer saying that there was too much animosity between us. Which I don’t agree with because for a long while, for too long we had been in a contact centre where I did not even see her anyway. She basically dropped him off in a room and disappeared and then I went and picked him up; so animosity between us was ridiculous because we did not even meet. So it is all a, that was a load of bollocks really.

This is a disturbing account. In the course of the interview this father revealed that his wife had taped his phone calls and used them in court ‘against’ him and there were indications that he was seriously threatening and possibly actually violent. The issue is, of course, how to read this narrative. From his point of view he is a desperate, loving father who should be able to see his son frequently. But the system is stacked against him and he cannot get through to anyone who will see the rightness of his cause. The more he has struggled and complained, the more he is seen as the problem; yet the more opposition he meets the more strident he becomes – ultimately becoming a litigant in person. From his point of view he is caught in a perfect Catch 22, if he resists the judgement he is denied contact, if he acquiesces he is denied contact. The fathers in this sort of position saw the system as staffed by ‘females’ who they understood to be gender biased, and even when the judge was a ‘male’ he was seen to be old fashioned and out of touch with modern fatherhood.

We do not have to agree with this father to understand that his perceptions of the system influence how he reacts to it, and that all his subsequent experiences then confirm his perceptions. Moreover we know that his experiences are validated by the Fathers’ Rights

movements which share such accounts and document similar examples of (apparent) injustice, providing a language of victimisation for fathers such as these. What is more we also know that these accounts are given credence increasingly in the media, which in turn provides a validation of experiences of injustice. In our interviews with fathers we found that even those who had been awarded residence, or all the contact they wanted, complained that the system was unfair to fathers in general, even though it had been 'fair' to them. We also found that some of the fathers we interviewed followed a virtual script. They denounced the system as being full of 'females', Court Welfare Officers were described as mere probation officers with no proper training, the judges were depicted as in the thrall of the CWOs or with an outmoded view of womankind, and the system as a whole was described as ineffective because it was unable to make mothers behave in a proper way.

Does this mean that interviews do not provide additional insights and that one might just as well read The Daily Mail or the Justice4Fathers website? I think the answer is that the experience of interviewing fathers who have been to court at the height of the Spiderman campaign is a case study of how personal narrative can come to emulate political discourse, and how political discourse gives collective voice to personal anguish. In this sense, of course, this is what the Women's Movement of the 1970s did for women who experienced domestic violence or sexual abuse. A frame of reference becomes transposed, in which a personal problem becomes a political issue. But this redefinition must, of course, be assessed in the context of a system of ethics and values. Naming behaviour as serious violence was a way of inserting it into the existing ranks of socially disparaged and problematic behaviours. The difficulty with the narrative of Father 1 above is that part of what he says is socially and morally approved, namely that fathers should love their children, but this rests on the unacceptable assumption that *any* means of demonstrating this love should also be accepted.

His narrative is an insight into how behaviour which is disparaged (i.e. violence and bullying), can be reinterpreted as almost heroic and certainly justified in pursuit of such a good cause.

It is instructive if this interview, collected in London at such a critical time, is compared with others collected elsewhere or at a time when the fathers' rights movement was less active and less able to frame everyday experience to fit a specific political purpose<sup>7</sup>. So I began to compare these accounts with some we collected from fathers in 1995. Of course FNF was around then and the introduction of the Child Support Agency had politicised many fathers. However, the FNF campaign was relatively low key and did not focus on the demand for 'equality' in the form of the shared residence of children after divorce. Justice4Fathers had not arrived on the political landscape. However, I found little difference in the basic content of what the conflicted fathers in 1995<sup>8</sup> said compared with the ones in 2003/4 except for the stridency of the political rhetoric and the scripted nature of their criticisms. In other words some fathers a decade ago were saying that they encountered a system which assumed that mothers always got residence and that fathers should be grateful to get what little contact mothers were prepared to allow. One difference appears to be that in the mid 1990s solicitors still tended to damp down fathers' expectations and this may have produced the effect of diverting cases from court because the fathers felt they had few options and there was little point in fighting.

So the context was different, yet some of the same sentiments existed, albeit in a more muted fashion. Fathers who were not part of a movement were having problems with the 'system'. They felt unrecognised and insignificant, they also felt they had virtually no voice. They

spoke then in terms of a lack of rights and couched their arguments in terms of the problem of the unassailable privileges of motherhood.

However, I want to argue that it is possible for fathers to speak of fathers' rights, to use the courts, and to battle against perceived privileges, and yet for the story they tell to have a very different meaning and set of reference points. Father 2, who I quote extensively below, had a brief relationship with a young woman and it was only after they split up that he discovered she was pregnant. This is perhaps not an unfamiliar story and it also has some echoes of Re R discussed above. The couple in this story tried to get back together but it did not work for long.

**Father 2:** Yeah, and she wasn't happy and I wasn't happy and I said "Well, we must do something about it because I still want you as a friend and you're me son's mum and I respect you but I can't go on living like this". It was tearing me apart and I'm sure it was tearing Stella apart. I said "We need to talk" and the next thing I knew was that I got this letter from her mum's boyfriend.

His girlfriend moved down South to live with her mother and her mother's boyfriend (who later becomes her step father). He says the mother never liked him (he was from a different class background) and he was blamed for ruining her daughter's life. He continued:-

**Father 2:** Contact has been a problem since last March. I respected her wish to have no contact [with me] because I knew how she felt and I felt that maybe in her eyes it is sometimes better to have a clean break. I respected that and I wrote back to Mr X, her mum's boyfriend and I said "I respect her wish. If contact [with son] can be worked out amicably through you and myself, I'm quite content with that". At the end I did say that if contact becomes a problem I will be seeking independent advice as to my rights. I do feel that because they moved to Clifton and she moved with her mother - and I had an old banger then and only worked part time - I thought I'd go down a couple of times. But they wouldn't even meet me in Clifton. I got the impression they thought I'd go twice and then give it up but I wouldn't because I love me son and he's the main thing in my life. I forced myself to get a bank loan and got a Citroen diesel and I've gone down every month except when they wrote back and said "it's not convenient this month because ...." Now if you can't see your son one weekend in a month, there's something wrong. Plus, they've not replied to letters I've wrote and then when I've sent another registered letter they've said "well, we sent a letter out and obviously you've not received it". I've talked to different people and thought I must do something about it. I had this feeling of emptiness and not knowing if I'd

ever see me son again. Now I know that I will see him every month I'm okay but it was that horrible feeling. I'd no telephone contact with him which I still don't have and that's because it's her mother's house and she doesn't want me to ring him.

He had no doubts that it was in his son's best interests that he was pursuing contact and he recounts at the point when he nearly gave up, his mother pointed out that if he did then she would never see her grandson again. His quest for contact and a relationship with his son was played out in the context of his wider family. His mother, who was then 75, would go with him to Clifton and they both stayed in a B and B so that they could spend both Saturday and Sunday with the child.

**Int:** Do you think when you've been to court and you're getting what you've asked for, do you think that will be in Josh's best interests?

**Father 2:** Obviously. If not, I wouldn't have gone for it. At the end of the day, it's his welfare and I know it's what he wants. If he ever said "Look dad, it's hurting me seeing you every month, it's just not good enough" then I would think about withdrawing contact. I want to be informed about his schooling and I intend to write to the school and ask for reports. It's going to be a long term commitment as far as I'm concerned and I'll keep the contact up until he's old enough to stay with me.

This father also used the language of victimisation and his story is exactly the sort of account used by FNF and F4J to gain emotional converts to the cause.

**Father 2:** I feel that fathers get a rough deal, especially unmarried fathers and just because you're not married it doesn't mean you don't care for your kids as much as somebody who is married. I feel that if you're a loving, caring parent whether you're married or not you should have rights and if the relationship breaks up you should be amicably able to work things out between you. Otherwise there should be a third party.

The problem is of course that it is only in the full context of this father's account that one can see how different his claim is (or appears to be) compared with Father 1. With Father 1 we have only one interview, with Father 2 we have two over a period of two years. This means we could see how his circumstances changed and how issues were unfolding. He had time and space to reflect and to move beyond the period of high conflict. In this case we also went on to interview his son on two separate occasions some years later. We were therefore able to see that his relationship with his son was lasting and that he formed a strong relationship with



him. We could also include his son's perceptions into the overall picture and could see how important his father was to him. Moreover, at the time of the second interview, the son who was 13 years old had recently discovered a box of old letters hidden in his grandparents' house. These were all the letters his father had sent to him when he was younger, but which the step-grandfather had refused to let him have. His rage was immense, as one might imagine and he too felt that there had been attempts to destroy his relationship with his father.

The interview with this son, as with many of the other interviews we have carried out with children (and latterly with other relatives of divorced couples), create a kaleidoscope of different perspectives – although not necessarily a hotchpotch of moral values. This necessarily puts one at risk of infinite regress and this may be why I would now like to retreat to the simplicity of the text! But it puts one in touch with the complexities involved in the analysis of people's lives and the need to juxtapose these against more simplified versions of events.

### **Conclusion (or some notes towards a conclusion!)**

Undoubtedly, one of the reasons why I would like to deal only with texts such as Reported Cases, or policy documents, or Hansard Debates, is because I can deal with them without becoming anything other than intellectually involved. Once you interview real people, not only do political judgements become less easy but their lives touch you in quite a personal way. When I read Father 1's account I am worried about what it would mean if fathers were given the 'rights' and the 'control' that J4F demands; but then I remember Father 2 and nothing seems so straightforward. Father 2's account also reveals the importance of the extended family, with his ex-partner's parents playing a major role in trying to squeeze him out. Yet perhaps they thought this was for the best as he was a rough diamond while their

daughter was a middle class girl with wider horizons. Equally the paternal grandmother played her role in sustaining her son in his legal battle, so the conflict encompassed several generations of each family. The values about family life held by the grandparent generation were clearly influential in terms of how the younger generation acted and what they thought was 'the proper thing to do'. Finally, the son became a crucial actor in the family struggle, making his own choices, and making moral judgements on the behaviour of the adults in his life. If we had only interviewed Father 2 once, might we have categorised him alongside Father 1? If we had only read the reported case what understanding would we have gleaned?

Perhaps if we were interviewing Father 2 in 2004 he would actually sound more like Father 1, in other words he might have felt justified in expressing his anger rather more strenuously. So the political context in which these experiences are *nested* may have an impact on how the individual thinks about and expresses his situation. And yet even in 2004 not all fathers necessarily sound angry and menacing, but may focus simply on the loss they feel:

**Father 3:** Contact was stopped sometimes, it has never been as bad as some, as what some non-custodial parents have had, who I have known, some have not seen their children for nine months, over a year, some have not seen them again. It's never been that bad but contact at the moment is one weekend out of every two from the Friday night to the Sunday night, but we don't have any contact during school hours, which I find very difficult to feel involved with the children's growing process if you know what I mean. I know very few of their friends at school or their parents, so I feel slightly isolated from the children, but we do have an exceptionally good time when they do come, but you are not part of their general life.

There are therefore a range of registers when it comes to fathers' voices and it may be that in listening, we need to become more attuned to these differences.

One of the reasons why I persist in talking to people is because I feel it is important that scholarly work becomes better able to represent complexity and ambiguity. I suggest that too much sociological work flattens out realities and I would also argue that some of the more

theoretical work (as well as some quantitative, survey type of research) provides engaging and sweeping overviews, but that these misrepresent too much. Ironically they then become part of an inferential structure which can influence how social reality is actually perceived. As I argue at the start, I do not think that talk alone is enough, nor does it represent a direct access to the ‘truth’ of a given social reality; however I do think that without it social science drifts further and further away from a grasp on the social world it seeks to explain.

## REFERENCES (to follow)

## NOTES

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<sup>1</sup> I shall not spend time enumerating all the problems and limitations of empirical research and different styles of methodology. I take it for granted that we all acknowledge that all data are mediated and that all analysis is undertaken from a standpoint or set of theoretical premises.

<sup>2</sup> For example Hollway and Jefferson use the method of ‘free association’ interviews which place much store in what is ‘not’ said, or is hard to express. Other, less psychoanalytically oriented approaches, may also seek to interpret meaning from the contradictions in what people say, or the complex layers of meanings that are built up during the course of an interview.

<sup>3</sup> Hedley does not use the term ‘contract’ but I apply it here as a kind of shorthand.

<sup>4</sup> She may have felt there was little point in the current pro-contact climate.

<sup>5</sup> I wonder if she is right about this.

<sup>6</sup> These interviews were carried out as part of a project on contact and residence disputes. The data is still being analysed and in this paper I am merely using them as examples to make methodological points rather than substantive points.

<sup>7</sup> In *McKenzie*, the National Newsletter of Families Need Fathers, Issue 58, December 2003, the front page headline read ‘Get political’ and featured a message from Bob Geldof. The final paragraph read ‘This law can and will be changed. Use your agony and dismay. Channel it to action. Let every humiliation and tear move you forward so that no child nor man may suffer again what you have. Good luck!’

<sup>8</sup> It should be noted that the samples of fathers were gathered in slightly different ways. The 2003/4 sample were wholly derived from fathers who had been to court over contact and residence and they were likely to be at the most conflictual end. The 1995 sample included fathers like these, but also fathers who had found other ways to resolve conflicts, or who had not been strongly conflicted in the first place, but who had had moments of conflict.