

8-5-2018

Discovering Meaning-Making in A Child Custody Context: The Combined Benefits of Using van Manen's Phenomenology and A Critical Lens

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Recommended APA Citation

Archer-Kuhn, B. (2018). Discovering Meaning-Making in A Child Custody Context: The Combined Benefits of Using van Manen's Phenomenology and A Critical Lens. *The Qualitative Report*, 23(8), 1822-1835. <https://doi.org/10.46743/2160-3715/2018.3172>

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Abstract

Phenomenology as a methodology reveals lived experience (van Manen, 2017); as such, it is an excellent methodology to help us understand the parent perceptions and experiences of child custody decision-making. Qualitative researchers have explored the ways in which lived experience is influenced by issues of culture and gender (Kall & Zeiler, 2014). In this paper, I explain how the key tenets of phenomenology, epoché and reduction, revealed the importance of custody status for participants, and also discuss how differences in gender was rendered invisible in the initial analysis. The flexible nature of phenomenology allowed me to use a critical lens after the initial analysis to consider another understanding of the parent experience, while still revealing lived experience. These new understandings better position us for social justice work.

Keywords

Phenomenology, Lived Experience, Child Custody Decision-Making, Critical Theories

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Acknowledgements

To the women and men who shared their stories so that we might learn from them.

Discovering Meaning-Making in a Child Custody Context: The Combined Benefits of Using van Manen's Phenomenology and a Critical Lens

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Phenomenology as a methodology reveals lived experience (van Manen, 2017); as such, it is an excellent methodology to help us understand the parent perceptions and experiences of child custody decision-making. Qualitative researchers have explored the ways in which lived experience is influenced by issues of culture and gender (Kall & Zeiler, 2014). In this paper, I explain how the key tenets of phenomenology, epoché and reduction, revealed the importance of custody status for participants, and also discuss how differences in gender was rendered invisible in the initial analysis. The flexible nature of phenomenology allowed me to use a critical lens after the initial analysis to consider another understanding of the parent experience, while still revealing lived experience. These new understandings better position us for social justice work. Keywords: Phenomenology, Lived Experience, Child Custody Decision-Making, Critical Theories

Introduction

This paper is a reflection on phenomenology as methodology and how it has been applied to child custody decision-making. A core theme running through this discussion is that phenomenology utilized in social work research and with a marginalized population has many strengths and benefits that I will share, and also some weaknesses, particularly around a gender analysis and ensuring social work values of equality are captured and honoured through the research. The flexibility of this methodology permitted the use of a theoretical lens after the first round of findings, without negatively impacting the use of phenomenology as the overall research design.

The merits of applying a theoretical lens to data originally viewed through the use of phenomenology are discussed in the same way that Hood (2015) notes that separate sets of findings are generated using varied forms of analysis. As a methodology, phenomenology does not typically include the use of theory to interpret data (van Manen, 2014). Yet, in this study, I learned there may be times when the application of a theoretical lens can provide another understanding of data, particularly when considering gender. For example, Sauko (2005) discusses how a study that explores the lived experience can be enhanced when addressing discourses that are reproduced by people's understanding of the discourse. In the study, I applied theory to reveal differences in participant lived experience as it relates to gender.

In this way, I intend to contribute to innovation in qualitative methods by revealing the strength in phenomenology that allowed for another look at data utilizing a critical realist perspective (Hood, 2015) about the complexities of child custody decision-making after surviving domestic violence. Hood (2015) suggests a pluralist approach that combines the lived experience honoured in phenomenology with a critical lens that reveals how the structural context can explore different tenets of a social challenge. I viewed this exploration as enriching the lived experience because the social processes and discourses that shaped them are addressed while the lived experience is not minimized (Hood, 2015).

Background

Hearing the voices of parents in child custody is important because decisions that are made about children impact significant numbers of Canadian families and the numbers appear to be increasing. In 2005, nearly 29,000 couples divorced in Ontario and over 72,000 in Canada (Statistics Canada, 2007). In 2010/2011, Ontario showed a slight increase (31,281) in new applications for divorce in family court (Statistics Canada, 2012).

The legal and social science literature reveals a number of changes to Canadian divorce legislation that have been influenced by cultural shifts in parenting arrangements since its inception in 1968. These cultural shifts have led to an increase in shared parenting arrangements (Bala, 2014), despite the differing views indicated in the social science and legal literatures about shared parenting arrangements in relation to situations of domestic violence, high conflict and young children.

In Ontario, the *Children's Law Reform Act (1990)* provides that both parents have the right to custody of their children and, in Canada, the public policy goal encourages children and parents to have frequent and meaningful access (Jaffe, 2014; Pruett & DeFonzo, 2014). Yet, Jaffe (2014) and Scott and Emery (2014) argue that custody of children remains an ongoing gendered debate.

The methodological reflections shared in this article derive from a dissertation study, "Parent Perceptions and Experiences in Child Custody Decision-Making (Archer-Kuhn, 2016)." Prior studies focused on professional opinion. The current phenomenological study is unique in prioritizing parent voices. The experiences of these women and men varied, and the study design permitted the illumination of these differences and similarities.

Phenomenology has been well documented in the research literature as both a philosophy and methodology (Cohen & Omery, 1994; van Manen, 1989/2007). Lacking in the research literature are studies that consider the lived experience of separating and divorcing parents embroiled in the process of child custody decision-making, with the exception of two studies (Melikian, 1997; Robson, 2008); the first utilized phenomenology to explore staff experiences of decision-making in child welfare, while the second explored parent experiences with Federal Child Support Guidelines. Although related, these two studies did not explore child custody decision-making specific to shared parenting, yet decision-making experiences and parent experiences have been explored in related contexts through phenomenology. Much of the research in this substantive area has been quantitative (Bauserman, 2012; Kelly, 2006; McIntosh & Chisholm, 2008; McIntosh, Smyth, Kelaher, Wells, & Long, 2010; Nielsen, 2011; Nielsen, 2013a; Parkinson & Smyth, 2004; Smyth, Chisholm, Rodgers, & Son, 2014; Smyth, Sheehan, & Felhberg, 2001; Tornello et al., 2013; Trinder, E. J., 2014; Trinder, L., 2010), leaving unanswered questions around the parent perspective and experience, and specifically in regard to shared parenting and child custody decision-making, highlighting the importance of exploration utilizing qualitative methods (Creswell, 2009).

This study was conducted in a mid-sized community in Southern Ontario and begins to address this gap. The study received approval through the institution's research ethics board.

The Canadian province in which this study occurred had recently implemented mandatory information programs in each court district so that anyone seeking separation from a partner or a change in motion regarding access to their children, was required to attend the session. Purposive sampling provided a focused study population who were able to answer the research question (Creswell, 2013). Participant ages ranged from 25-51; 11 were women and seven were men, and five participants' self identified with ethnic diversity: Native, Hungarian, Belizean, Kenyan, and Iraqi. The remaining participants identified as Canadian.

The majority of participants were the custodial parent (14), with varied parenting time arrangements. All participants had a minimum of a high school education, with a further seven

college diplomas, two bachelor's degrees, and two master's degrees. Thirteen participants were legally separated for more than three years, three between one and three years, and only two participants had been separated less than three months. Fifteen parents in the study identify the level of conflict between them and their ex-partner as either a four (high), or a five (extremely high), while three of the parents identify the conflict between them and their ex-partner as a one (extremely low), two (low) or three (medium). Thirteen of the 18 parents in this study were apart for more than three years and, of those, 11 indicate high or extremely high level of conflict.

Eighteen parents agreed to participate in the study. All parents who agreed to participate in the study through the recruitment process, and who followed through in scheduling an interview, were included in the study data such as participants in the process of changing agreements and those making them for the first time. With these participants, I pursued the following research question: *In the divorce process how do parents perceive and experience their ability to make child custody decisions together?*

Understanding Phenomenology in a Child Custody Context

The study was guided by phenomenology. Transparency is important in phenomenology both in terms of the varied historical philosophical understandings and developments, and researcher positioning of self. I will first provide an overview of two original philosophers and their understanding of phenomenology, then provide a rationale for the use of van Manen's phenomenology, discuss some benefits of phenomenology, position myself and reflect on bracketing (epoché), before sharing lessons learned as they relate to essences. I discuss a weakness of phenomenology, attention to gender, that became apparent and allowed me to consider the role of theory.

Edmund Husserl (1960) and Martin Heidegger (1927/1962) each had their own understanding of phenomenology (Cohen & Omery, 1994). Husserl's view of phenomenology describes the lived experience from an epistemological perspective, while Heidegger's outlook of phenomenology focuses on the interpretation of the lived experience from an ontological view (Cohen & Omery, 1994).

Husserl's eidetic (descriptive) phenomenology is concerned with universal essences, discovering insights about experiences through the exploration of structures and the relationships between them, to reveal consciousness (Cohen & Omery, 1994). He is known to explore the ideas of "the world of lived experience," believing that phenomenological reduction leads to clarity of the phenomena's beginning or origin (p. 139). These origins refer to the phenomena before interpretation, what is referred to as the everyday (van Manen, 2017). Through interpretations of Husserl's work, it is believed that during this process of reduction, the researcher suspends their standpoint (brackets), allowing a clear observation of the phenomena (Cohen & Omery, 1994). Through the process of reduction, the structures of the experience find definition and the essence of the experience of people's everyday life stories are revealed (Cohen & Omery, 1994). This becomes the truth of the everyday life experience for the people who have the experience (Cohen & Omery, 1994).

Heidegger's interpretive phenomenology has a focus on presence or "Being" and discovering the larger meaning of "Being" (Heidegger, 1927/1962, p. 141), revealing the unknown or the hidden, that which we cannot ordinarily see (Cohen & Omery, 1994). Bracketing, according to Heidegger is neither possible, nor desirable, and truth is viewed as accessible in lived experience but not yet realized (Cohen & Omery, 1994). Engagement is the way to knowing. Phenomenology provides the means for discovering truth for the researcher by revealing what is already known through the interpretation of the everyday experience, making explicit meanings that are hidden (Cohen & Omery, 1994).

I chose to use van Manen's (1989/2007) understanding because he considers phenomenology as both a description and interpretation of the lived experience, honouring the perspectives of Husserl and Heidegger. Van Manen (2014) posits that phenomenology is always re-evoking the experience, exploring what is given in the moment. To do this requires the researcher to maintain a curiosity or wonder about the phenomena as they appear, focusing on meanings from their origins, known as reduction. Reduction in phenomenology is achieved through two critical components, epoché or bracketing and the reduction proper or reflective phenomenological attitude that allows phenomenon to show itself (van Manen, 2014).

When we look at something phenomenologically, we lift it up and wonder, what is this experience like (van Manen, 2017)? As the researcher, I wanted to reveal the pre-reflective parent experience, or the everyday, to allow the meaning of their experience to be known using a method of questioning rather than a method of answering through determinate conclusions (van Manen, 1989/2007). This process of investigation and expression using rich description as revealed by participants' ordinary experiences allowed me to guard against assumptions induced by theory (van Manen, 1989/2007). The experience revealed meaning rather than meaning being determined by theory. I used van Manen's application of phenomenology as a methodology, utilizing two major features, epoché and reduction (van Manen, 2017), to better understand how parents perceive or make meaning of their experiences of their ability to make child custody decisions together with their former partner. The structures (themes) and relationships between them (analysis framework) reveal the essence of the parent lived experience, and I interpreted the parent experiences through their descriptive examples, illuminating hidden meanings (van Manen, 2017).

Epoché, according to van Manen (2014), means bracketing that which we previously knew so that we might be open to the phenomenon, while reduction refers to understanding a phenomenon from its origins, as it shows itself to our consciousness, rather than how we understand it based on our previous knowledge. Still, the two tenets of phenomenology work together to reveal lived experience. Similar to van Manen (2014), Fischer (2009) says the use of reflexivity, going back to the data after reflecting on feedback is known by some phenomenological researchers as bracketing. Bracketing (epoché) then, involves remaining open to phenomenological meanings through lived experience descriptions that move through multiple layers of thematic analysis (van Manen, 2014).

As noted by van Manen (1989/2007), "good phenomenological description...is validated by lived experience and it validates lived experience" (p. 27). For example, when I drafted a preliminary analysis summary and I asked participants to reflect on the then, nine themes, I used participant feedback as part of my reflective practice; combining epoché and reduction, refining themes from nine to five.

Benefits of Phenomenology

I used phenomenology to include the parent voice in the dialogue on child custody decision-making as their voice is absent in the research literature, yet decisions made about child custody by legal and social service professionals impact parents (and children). A phenomenological design and use of semi-structured interviews helps to understand the parent experience through their description in such a way to illuminate the significance of that experience on a deeper level and in a fullness not previously known (van Manen, 1989/2007). As noted earlier, I wanted to reveal the pre-reflective parent experience using a method of questioning rather than one of answering through determinate conclusions (van Manen, 1989/2007). I followed this approach in my interviews with parents, understanding that the moment one reflects on our experience we have moved outside of the pre-reflexive or lived experience. Van Manen (2014) asserts that the way to understanding lived experience is

through the description and interpretation as understood by those having the experience; the manner and meaning being of utmost importance in phenomenology (van Manen, 2017).

The phenomenological process illuminated the parent experience in surprising ways, adding new knowledge to this field of study previously predominately defined and discussed through quantitative research. For example, the member check provided opportunity to operationalize phenomenology resulting in a more fulsome distinguishing of the parent voice. This member check process strengthened the analysis as it allowed more clarity of the parent experience from their perspective and provided another example of researcher bracketing through a process of reflexive practice.

The initial analysis revealed five themes: (1) redefining roles; (2) importance of agency; (3) shared decision-making; (4) the battleground – barriers to shared decision-making; and (5) complexities involved in shared decision-making. Five participants provided written feedback about how their experience fit or didn't with the nine themes. Two participants said that six themes resonated with their experience and three did not. Upon further reflection, it was clear that these two participants each had experienced domestic violence. Further insights were gained reviewing journal reflections, conference presentations and audience feedback provided a means to help organize my thinking about the process. The use of reflexivity, going back to data after reflecting on feedback from various sources informed the learning process of phenomenology and my understanding of bracketing (Fischer, 2009). This meant that female survivors of domestic violence exposed their experiences of child custody decision-making as different than parents who had experienced high conflict, and those who had experienced low conflict.

The reflexive process led to a second thematic analysis for the five women who had experienced domestic violence. I discovered four themes in this analysis: (1) safely redefining role; (2) survival strategies; (3) empowerment in action; and (4) don't want shared decision-making. The findings from the second analysis was an important learning in the use of phenomenology as methodology. This is important because prior studies regarding shared parenting do not differentiate study populations for those experiencing high conflict from experiences of domestic violence. It is also important because our Canadian policy and legislation do not reflect the themes that emerged from the women who experienced domestic violence. For example, *don't want shared decision making*, emerges as one of the themes and is in direct conflict with our Canadian legislation that supports both parents having custody of their children. Reflexive practice, epoché and reduction, all components of phenomenology revealed the lived experience as different for study participants; those who had experienced domestic violence and those who had not.

Custody status, both decision-making and time, became an important methodological discovery and potential challenge in understanding the parent experience, allowing me to shift my understanding of, and be open to, parent meaning. For example, my researcher status as a married parent of two children did not assume the importance of custody status as it was not a concern within my status as parent, yet the research question assumed knowledge of a particular status, shared parenting. Phenomenology provided the space to allow participants to highlight the importance custody status held for them.

Using phenomenology with this study population allowed for an exploration of the yet unknown, to uncover the perceptions and experiences of parents involved in various stages of child custody decision-making. The opportunity for this diverse population was accessible through the Ontario court process. Engaging with populations about their experiences that have otherwise been ignored reflects the values of social work and qualitative research towards social justice practice.

Bracketing

The three varied ways of understanding bracketing noted above illustrates varied interpretations; Husserl's need for bracketing in phenomenology – of setting oneself aside, Heidegger's absence of bracketing in phenomenology, and van Manen's (2017) and Fischer's (2009) view of bracketing as reflexive practice. The engagement assumed in this last approach provides me as the researcher an awareness of my prior knowledge so that I might utilize strategies to mitigate against imposing my interpretations on participant data. My positioning of self in this qualitative study was important because of the nature of the methodology that seeks to understand parents' everyday lived experiences. I positioned myself from three perspectives: gender, personal experience and professional experience. This awareness of a woman who views the world from a woman's unique perspective yet does not represent all women and certainly not men, where each person brings their individual story (Smith, 1987) was critical in hearing participant stories. It also brought awareness through bracketing, for the need to be open so that I might learn of diverse experiences and perspectives. How else might one become the instrument in a study without awareness of potential influences of their personal biases, assumptions and experiences (Creswell & Miller, 2000)?

Tufford and Newman (2010) argue for the explicitness of the researcher process of bracketing to demystify the contribution and researcher interpretation of findings. In the initial stages of project development, data collection and analysis, it was my intent to bracket all prior knowledge and remain open, yet upon reflection of the process and despite the strategies that I employed to mitigate bias, I am left wondering. For example, the research question (in the divorce process, how do parents perceive and experience their ability to make child custody decisions together?) reflects my prior knowledge and social location. Developing awareness of the ways in which that prior knowledge might influence how I understood participants' stories provided opportunity for reflexive practice.

Bracketing, then, was something I believed to be important and valuable, and I worked hard to set aside my prior knowledge and experiences, to remain open to the unique experiences of participants. However, I had many years of practice experience completing child custody and access reports for the court with families experiencing high conflict. As a result of this experience, I was aware of Canadian legislation and social policy, and research indicating that shared parenting and joint custody were being awarded more frequently through the courts, yet a percentage of the population were not able to make these arrangements work.

Positioning Self – Personal and Professional

Identifying your assumptions as a researcher prior to data collection and analysis is a critical part of methodology when using phenomenology (Cohen & Omery, 1994). As a researcher, my experiences had multiple levels of influence that required reflexive practice. I consciously made an effort to set aside assumptions, as has been suggested as necessary in phenomenology (van Manen, 1989/2007) in the initial stages of the project through the first analysis, and I engaged in reflexive practice to mitigate the influence of personal assumptions and bias (Fischer, 2009), remaining open to parents' interpretation of their experiences. For example, the researcher had conversations with participants about what prevents parents from making child custody decisions together, what from their perspective can make it work (or not), and then incorporated the data into two analyses, remaining open to input and reflecting on participant meaning.

It can be difficult to always separate the personal and professional influences as they inform one another, yet the personal has informed so much of my professional self. Children are an area where my personal and professional self merge. In my professional life, I have been

able to relate to parents' love for their children; their desire to spend time with and enjoy their children. In a professional capacity, I have been employed in the fields of child welfare, children's mental health, and as an investigator in child custody and access disputes. In these roles, I have had interviews, discussions and observations with children. I have learned both from my personal and professional experiences the deep connections children can have with their parents and their desires for family, despite some very challenging family circumstances.

In situations of separation and divorce, I have learned that children most often do not ask for or want the family breakdown or accompanying conflict. In my professional capacities, I have gained knowledge of Canadian social policy and the impacts of separation and divorce on children and parents. I have also learned of the impacts of domestic violence on children and parents. These experiences provide context to understanding what I was hearing from parents in this study. At the same time, these experiences make bracketing, an essential tenet of phenomenology, quite challenging. How then did I maintain attention to a wondering attitude about the phenomenon (van Manen, 2017)?

Lessons Learned

Privileging Parent Voice to Pursue Social Justice

Phenomenology includes reflexivity about feedback regarding the data; the structures that are discovered through attitude of the epoché and the reduction (van Manen, 2017). Initially, I understood phenomenology to mean the participants are one group, a group of parents, not a group of women and men. Had I chosen a more critical methodology, I may not have included both mothers and fathers in the study population. Phenomenology was the most appropriate methodology as participants may have chosen not to be included in the study if they believed I brought a gender bias into the study. The initial analysis reflects the whole group; discovering five themes. Being more reflexive about the process, for example, understanding through the member check process that the lived experience discovered in the first analysis was not the same for all participants, allowed for a second analysis of the data; a gendered analysis. A weakness of this method could be seen as not capturing diversity. Diversity is important in social work and qualitative research, particularly with marginalized populations, and it was at this point that I needed to supplement the analysis using a gendered lens. The second analysis strengthened the methodology, looking beyond the experience of the whole participant group, revealing experiences that were different for some participants, without negatively impacting the initial analysis. Through review of the participant codes and categories, differences were not observed between the genders. For example, some women may have had a greater or lesser representation of a particular code or meaning unit as described by Giorgi (2009), and the same was true for some men, yet not for only women or only men.

Upon reflection of the literature, I entered some key words (physical, verbal, financial, abuse, hit, slap, punch, choke) into NVivo to search the transcripts for all participants. What emerged from these searches was a clear gendered difference on one issue; physical violence. Five women had experienced physical violence from their former partner whereas none of the men had experienced physical violence.

A second thematic analysis was completed using only the data from these five women, where I discovered four themes from this gendered analysis. The whole group analysis considered the data from the whole participant group, both men and women. The gendered analysis described the data that was different from the whole group. The difference for this study was for a sub-group of women who experienced domestic violence and who did not want shared decision-making in child custody. These phenomenological insights left me wondering about the essence of the lived experience for parents in child custody decision-making.

Essences

The meaning of the “essence” of the structures originated from researcher reflective process of all the data and understanding of the parent meaning gained through the data collection, data analysis and parent reflection on the initial analysis (epoché and the reduction). Over the next few months, I further refined the analysis. As a result, the themes became more descriptive and representative of participant meaning; for example, Barriers to Shared Decision-Making became The Battleground – Barriers to Shared Decision-Making. Continued reflexivity led to additional reduction. The essence of the lived experience is illustrated through the parent varied experiences of custody status, level of conflict and domestic violence.

Reflection on Essences

The lived experience is a description of the experience; the ordinary life experience without hidden meanings until we ask ourselves what the phenomenon is like and we give meaning to that experience, so the ways in which it gives itself to our awareness (van Manen, 2017). As a methodology, phenomenology does not rely on objective data but rather on data as phenomenological examples of the everyday (van Manen, 2017). In this study, I capture the essence of the experience through a reflection on the parent everyday experience. For example, the early emergence of the theme, redefining role, represents the idea that life as participants know it has changed. The desire for participants to spend time with their children is less available to them as the child’s time is now split between homes. This change of everyday life experience calls into question for participants their own identity as a parent, with some focusing on the child and others focusing on the self.

Although I did not have the personal experience of family breakdown, I could easily relate so clearly to the essence, or the what it is like, of this lived experience through my own role as parent. Similarly, the essence of the experience for women who have experienced violence can be observed through the structure as, don’t want shared decision making, as participants focus on safety. The ongoing verbal abuse, inability to cooperate collaboratively in decisions about the children, removal by the father of himself as responsible parent, and success at putting the children in the middle of the adult conflict have led these women to no longer wish to participate in shared decision-making with their former partner. The deal has changed as they focus instead on protecting their children and themselves from him.

I have thoroughly enjoyed being a parent and engaging in family relations generally; being connected in ways that make those relationships special and meaningful. So, when a participant expressed the following sentiment, “...as much as you can’t stand somebody, when your kid says their first word, you laugh together because they’re your children. So, you’re still sharing experiences together...because you’re the only two people who are going to think that your kids are the cutest and the smartest and the funniest,” I could relate to the joy in their memory of that special connection they had with their former partner that only they shared together about their children. I could also relate to the sadness experienced in the loss of any future connection, and the very real need for those connections to end to keep everyone safe.

I learned through data collection and analysis that there were a number of essences for parents in child custody decision-making; that the everyday was experienced in similar and different ways. That parents may know how to get to shared decision-making in child custody, but their realities did not often align with this question of shared decision-making. That parents who had not experienced domestic violence, understood the lived experience as revealed in the first analysis, while those who had experienced domestic violence, the second analysis revealed the essence of their experience. This may reflect what van Manen (2017) means when he suggests that phenomenology reveals lived experience by revealing what the experience is like.

Phenomenology allowed for multiple essences to emerge or reveal themselves, based on participant lived experience, not researcher expectation.

Weakness of Phenomenology

Phenomenology intends to elicit the phenomenon as a whole, not in relation to one person's ethnic group or race. Some may see this as essentializing and indeed, from a certain perspective, diversity was missed in the initial analysis. This is where my understanding of bracketing shifted for me including engagement and reflection on prior knowledge. To be true to my personal and social work values of social justice and openness to diverse perspectives, critical theories were explored to consider a gendered analysis of the data. One might suggest a limitation of phenomenology in this study is a lack of attention to gender, race, and cultural understandings (Dowling, 2007; Kall & Zeiler, 2014). Greater cultural diversity of study participants may or may not result in different findings and can be explored in future research studies. Others defending phenomenology might suggest challenges with the nature of the interview questions; also, a possibility. Yet, with some adaptation, the essences of experience are revealed in that the experience is different depending on custody status, level of conflict and domestic violence. Phenomenology did in fact honour and privilege the parent lived experience while also revealing the very critical and important point of exploring differentiated experience; revealing what it is like, for people having had the experience.

Feminist research has expanded the value of phenomenology as methodology adding the context of gender, race, and culture (Kall & Zeiler, 2014). Hughes, Chau, and Vokri (2015), and Berman and Wilson (2009), argue the need for a discursive lens to understand local practices through which power is exercised by professional over mothers. In this study differences in gender are unveiled as the effects of power relations, patterns of prejudice and privilege, and social and cultural practices (Kall & Zeiler, 2014) illuminating lived experiences of a sub-group of women as distinct from the whole group.

The limitation of the method may be interpreted as revealed in the differences between the whole group analysis and the sub-group analysis and is strengthened through the use of the second analysis. Given that gender differences were revealed only when using a purposeful gender lens, it is possible that there are other differences (related to class, and culture) that may have become evident if a specific relevant lens were used. This raises the following questions: (1) does phenomenology as a methodology have the potential to hide differences that a theoretical lens may help us to see; (2) does the iterative process embedded in phenomenology permit the illumination of the need for another (gendered) lens; and, (3) if a discursive lens adds value to understanding the lived experience of women, how might it be incorporated into phenomenology? Sauko (2005) argues that indeed critical theories enrich our understanding of lived experience when we situate the experience within the broader social context. Indeed, this approach was helpful in revealing the essence of the lived experience for varied custody status.

Application of Theory

In this project, theory was applied after data analysis. The use of phenomenology permitted an understanding of the parental differentiated experiences because it was data driven. Although some social science research uses theory to interpret phenomena, phenomenologists question the assumptions of theory (van Manen, 2014). Instead of using theory to build interpretive structures, phenomenology uses theory to reflect that which has been revealed through participant experience. This is particularly useful when the lived experience reveals insights about selected topics of cultural significance (van Manen, 2014), such as gender. In this study, critical theories provided another understanding of the parent

experience from a gendered perspective through power and empowerment. Application of theory provided alternative understanding of the parent experience, allowing an intensive exploration of the participant meaning within the “structural relations through which those meanings are produced” (Hood, 2015, p. 164).

Critical theories challenge societal norms and structures focusing on relations of power (Lukes, 2005) and oppression, with a goal of reducing barriers to social justice (Crotty, 2012). For example, in this study critical theories are used to challenge policies that govern child custody decisions to consider alternative ways of understanding the parent experience. To date, legislation was not influenced by the everyday experiences of parents, but rather, people in positions of power. One very clear way in which the participant voice in this study was understood to challenge current policy using critical theories was evident in the gendered analysis. The women illuminate that violence has been met with silence until those experiencing the violence were able to help those in power recognize what was happening. Legislation that assumes children maintain meaningful relationships with both parents can perpetuate male power over females. This highlights the need for legislative reform to consider the ways in which male power is maintained and consider instead the needs of children over the rights of adults.

One way to interpret high conflict through a lens of power is to look at what parents are being asked to do. Parents are positioned to maintain meaningful relationships between their children and their former partner, sometimes when they hate their former partner, sometimes when they think their former partner is a bad parent, and often they just wish the person would go away forever. Even in this study, as a researcher I am asking parents to think about how they perceive and experience shared decision-making in child custody; implying an assumption that they would have experience with shared decision-making. At the same time, they say that they **wish** they had been able to share a relationship with their former partner that would have allowed for a shared parenting arrangement because they would have **preferred** that their children have two parents, and to have support raising the children. This however, is not their reality. And yet they are forced to comply with an order that often maintains the conflict between the parents, known in the research literature as high conflict parents (Johnston & Roseby, 1997).

I would argue that it is the interpretations of what “meaningful relationships” means that creates the challenges and that the ambiguity of social policy positions parents to be at odds through their varied and multiple interpretations; what Berman and Wilson (2009) argue are the ways in which power is exercised and preserved through local practices. The underlying assumptions in my research question is based on my prior knowledge and bias of children’s desire to spend time with both parents, yet hearing participant experience, creating structures for those experiences and understanding the essences of the lived experience provides an appreciation to consider alternative ways of understanding.

Benefits of Critical Theory

Critical theories put into context some of the experiences shared by the study participants. For example, whether or not participants exercise power depended on the degree of conflict (or violence) they were experiencing. In situations of low conflict and domestic violence, the parents in the study felt empowered. They may choose to act on the power they possess, and, in exercising power, they experienced empowerment. For the parents who experience domestic violence, prior to their realizing and exercising their power, they have experienced oppression. Specifically, the women have experienced the structural barriers imposed by patriarchy.

The actions from these study participants, from a power lens, may be understood as resistance to Canadian social policy: the challenging realities of everyday life may not be consistent with maintaining a meaningful relationship between children and both parents. Critical theories, then, provided an opportunity for the parent voice to be heard and to challenge child custody legislation that does not appear to reflect today's families.

Conclusions

Phenomenology as methodology has many strengths and benefits and can be used to privilege the voice of marginalized populations by gaining an understanding of the lived experience. Bracketing is a critical tenet of phenomenology and is understood in the literature in various ways (Cohen & Omery, 1994; Fischer, 2009; van Manen, 2017). Bracketing was utilized in the initial analysis as a setting aside prior knowledge, assumptions, and bias, and later bracketing mirrored reflexive practice, taking into consideration my prior knowledge and experience. This process of shifting allowed me to honour parent voice while illuminating the varied lived experience. Through reflexive practice, I was able to discover phenomenological insights engaging bracketing (epoché) and reduction. Engagement with multiple sources of knowledge provided opportunity for me to develop greater awareness of their assumptions and bias to mitigate my interpretation and honour participant voice. This process also revealed the lack of attention to gender; however, the flexibility of phenomenology allowed for a second analysis and interpretation through a gendered lens.

I intend to have shown how theory can be used after an initial analysis, not to build structures, as this is done through participant experience, but rather to provide another understanding of the parent experience from a discursive lens. Adding this layer of analysis can address a critique and potential limitation of phenomenology's lack of attention to gender (Dowling, 2007; Kall & Zeiler, 2014). This additional analysis was helpful in revealing the gendered nature of child custody decision-making, and therefore the different experiences impacting parents depending on their custody status, level of conflict and experience with domestic violence. The gendered lens allowed for a discussion of the discourses and accompanying social processes (Hood, 2015), that influence child custody decision-making in situations of domestic violence.

This study also provided an opportunity to explore phenomenology as methodology within a field of research where it has not yet been utilized. When the family court system makes reforms, it is vital to hear the parent voice and value their subjective experiences. When this occurs, we may increase the chances of the changes being reflective of the needs of the service users of the family court system.

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To the women and men who shared their stories so that we might learn from them.

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Article Citation

Archer-Kuhn, B. (2018). Discovering meaning-making in a child custody context: The combined benefits of using van Manen's phenomenology and a critical lens. *The Qualitative Report*, 23(8), xxxx-xxxx. Retrieved from <https://nsuworks.nova.edu/tqr/vol23/iss8/3>
