

Law and the 'Stbx': Online Fora and the 'Delegalised Space' of Family Law

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Abstract

Following the cuts to Legal Aid enacted in the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO), this paper addresses the ways in which the *boundaries of law* are being re-drawn in the field in which the effects of these changes have been most immediate and visible, namely Family Law. It uses the term *delegalised space* to describe the situation in which large numbers of ex-partners who would previously have been able to access legal advice and information are now having to make arrangements with regard their finances and children with little or no contact with the courts or any formal legal advice. The paper presents a case study of the two most frequented online fora in this field – Mumsnet Talk and Netmums Coffeehouse – describing how the *delegalised space* also indicates a period of significant re-composition of the role of law in shaping the separation process.

Key words

Divorce; legal consciousness; gender; legal aid

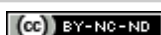
Resumen

El artículo parte de los recortes a la Asistencia Jurídica implementados por el Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) para ocuparse de las formas en que las *fronteras de lo legal* se están reconfigurando en el campo en el que los efectos de dichos cambios han sido más inmediatos y visibles, es decir, en el del Derecho de Familia. Utiliza el término *espacio desregularizado* para describir la situación en la que se encuentran gran número de personas separadas que anteriormente habrían podido obtener asesoramiento e información de tipo jurídico y que ahora se ven obligadas a hacer gestiones referidas a sus finanzas y sus hijos, con poco o ningún contacto con los tribunales y con ningún asesoramiento jurídico formal. El artículo presenta un estudio de caso basado en los dos foros de Internet

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más socorridos en esa área -Mumsnet Talk y Mumsnet Coffeehouse- y describe cómo el *espacio desregularizado* también denota un período de intensa recomposición del papel que desempeña el derecho a la hora de modelar el proceso de separación.

Palabras clave

Divorcio; conciencia jurídica; género; asistencia jurídica

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1. Introduction

This paper addresses a subject of growing importance in the United Kingdom: how ex-partners, following a relationship breakdown, arrange their financial affairs and issues related to the care of their children within the *delegalised space*.¹ In work conducted on the Delegalised Space and DIY Family Justice Project, the project team used this latter term to designate the significant changes within family law following cuts to legal aid enacted through the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO). The *delegalised space* emphasises the extent to which individuals formerly entitled to legal aid are engaged in agreements, arguments and practices formed at a distance from formal legal advice or representation. It is as such the space encompassing

informal negotiations, mediation and online advice and support forums, unanchored by family law principles or judicial processes where potential for injustice, generational conflict of interest and gender inequalities has grown. (Barlow *et al.*, 2016, *GW4 Building Communities Programme Accelerator Fund Application Form: GW4 Network on Family, Regulation and Society*; available from Anne Barlow, University of Exeter)

It has, of course, long been the case that the majority of ex-partners made their arrangements through “informal negotiations” and other practices in “the shadow of the law” (Mnookin and Kornhauser 1979) – a quandary for legal studies often referred to through the image of the “kitchen table” (and the arrangements made around it) (Resolution 2016, p.2). By retaining in this paper the term *delegalised space* however, I seek to highlight not only the expansion of such informal negotiations, but also a re-composition of the family justice field – a set of changes across which the role of *the legal* can no longer be taken for granted. While existing and ongoing research into the changing terrain of family law following LASPO has carried a tendency to focus upon experiences through the prism of a *retreat* of the formal law, drawing on the legal consciousness tradition (Ewick and Silbey 1998), I seek in this paper to set out a socio-legal research agenda proper to the *delegalised space* as a space of complex re-composition, addressing not only how the law is in retreat, but also how the field of family law is subject to diverse and unexpected forms of change.

I begin by setting out, with reference to the concepts of *legal consciousness* and *legal pluralism*, a critical appraisal of the term *the delegalised space* and its importance in understanding the post-LASPO legal landscape. I address then three key areas of change shaping the field of family law, namely: the difficulty of meeting requirements for evidencing Domestic Violence (victims of domestic violence being the sole group still entitled to Legal Aid for family matters), a rapid rise in Litigants in Person (LiPs) in the family courts, and the attempt to replace the adversarial process of legal representation with the collaborative process of mediation. I describe also how these changes have been shown to disproportionately affect women.

This disproportionality of effects provides the backdrop for the case study,² described in the next section, in legal advice seeking: an analysis of the two most frequented online fora for relationship advice: Mumsnet Talk and Netmums Coffeehouse. Analysing the ways in which issues are framed, addressed and discussed in these female-focused fora, I identify emergent frameworks for

¹ This term is the subject of the *Investigating the 'Delegalised Space and 'DIY' Family Justice – A Scoping Study Accelerator Project*, which is part of the GW4 Network on Family, Regulation and Society (GW4 2016).

² The Accelerator project conducted a scoping study with a view to applying for further research funding. The case study develops my analysis of data collected as part of the GW4 project, building on workshop discussions within the scoping project and on two working papers: *The Delegalised Space and DIY Family Justice: Working Papers 1 and 2* (Kirwan, S. and Kakoullis, E., 2016. Report available from Anne Barlow, University of Exeter).

determining family justice questions emerging through online peer to peer advice and discussion channels. I address what kinds of further research need to take place to understand the *delegalised space* in light of the particular ways in which individuals approach and discuss family justice matters in these spaces.

2. Legal Consciousness and the contemporary 'delegalised space'

By using the term *delegalised space*, following the work of the *Delegalised Space and DIY Family Justice Project*, I indicate primarily the extent to which, in family law, traditional notions of family justice, including pursuing a case through and applying legal frameworks to the formation of post-separation agreements, is *in retreat*; access to those resources is increasingly reserved to the wealthiest in society. I recognise that use of this term leaves the paper to a series of criticisms: that large numbers of individuals always resolved the issues without recourse to law; that the law is still present within these informal discussions; that law, and lawyers, are not necessarily the answer to the difficulties faced by separating partners. Nonetheless, by paying attention to the changing relationships between the experience of separation and the formal processes of family law (such as seeing a solicitor and pursuing a court process), I argue that the *delegalised space* remains a vital term, indicating not only fundamental shifts in the experience of separation, but also how our grounding research questions must change to meet them.

I refer particularly in this respect to two fields of legal study: legal consciousness and legal pluralism. Legal Consciousness, as it is formulated by Patricia Ewick and Susan Silbey, builds upon the work of Michel Foucault – seeking out the dispersed forms of power carried in discourses, practices and orientations – to ask a question of ideology: what are the social dynamics ensuring that the power of the law endures? (Ewick and Silbey 1998, p.31, Silbey 2005) To understand this, Ewick and Silbey, along with others in the legal consciousness canon (Marshall and Barclay 2003, Hertogh 2004) investigate the beliefs, practices and relationships of individuals that were otherwise considered marginal to law; in our case these “boundary” figures are the couple that organise their separation without recourse to lawyers or courts, what Mnookin and Kornhauser (1979) describe as divorce in the “shadow of the law”. Through setting out how people “dodge and feint” (Ewick and Silbey 1998, p. 13) the legal frameworks in which they become enmeshed, enact their own minor resistances, or practice forms of veneration and deference, they show the “multifaceted, and possibly variable” (Ewick and Silbey 1998, p. 50) ways in which individuals understand and relate to law.

Yet what is challenging, and distinct, about the post-LASPO landscape, is that cuts to legal aid are fundamentally re-drawing the relationship between these realms. It is the individuals, formerly considered at the boundaries of law, whose different modes of negotiation, struggle and dispute, now constitute the field of what we might term *family justice*. Changing trends in gender dynamics of separation (Elizabeth *et al.* 2012, Barlow 2015) are shaped as much by decisions in the higher courts, filtered through the law reports, as by changing ways in which individuals gather their own information, disperse that information to peers or relatives, and as highlighted by the case study discussed below, respond to each other's problems (Eekelaar 2015).

Such changes highlight the ongoing importance of a pluralist approach to legal frameworks, taking into account the multiple forms of normative ordering taking place in particular disputes. Thus, in exploring the ways in which ex-partners navigate the separation process, I turn also to the rich history of legal pluralism studies, focused as they are upon the ways in which actors cross and manage plural spheres (Merry 2000, p. 35; de Sousa Santos 2006), paying particular attention to conflicts and boundaries between spheres. Here, the notion of a singular law, developing unilaterally, is shown to be a fantasy; we inhabit multiple legal codes

and traditions, each genealogically distinct (Merry 1988, Walby 2007). Thus McCann (2006, p. XIII) describes the legal field as “a mosaic of interconnected and even hybrid traditions constantly in development, contested, clashing, and contorted by differently situated social actors and groups”.

In this light, the key questions I seek to respond to in this paper are; in the context of a lack of access to legal advice and representation, how do individuals interpret and act upon legal concepts, and are the ordering frameworks used to navigate and interpret this sphere still defined by the legal domain of family justice? As I will argue, while the term *delegalised space* serves as a provocative description of an empirical tendency, I use it to indicate also a fundamental shift in this area; that when investigating the everyday of family separation, it is not necessarily family law that is being upheld (or rejected). Before exploring these questions through the case study, I address first the changes enacted since 2010 and their role in reforming the field of family law.

3. Family Law in the post-LASPO era

At the 2010 UK General Election, following 13 years of Labour government, the Conservative party failed to achieve the parliamentary majority that had been expected, and formed a Coalition government with the Liberal Democrats. Nonetheless the tone for the range of cuts and “reforms”, broadly grouped under the term *austerity*, was set by Conservative ministers, with the Liberal Democrats seeking to act as mitigating force to some of the more extreme proposals. Again, unexpectedly, the Conservative Party achieved a majority at the 2015 election, with a perceived mandate to enact further cuts, though plans for further reform have been overshadowed by the vast upheavals of the 2016 EU referendum result.

The stage for the changes introduced by the Coalition government was set by a Ministry of Justice (MOJ) consultation paper (MOJ 2010) released six months after the 2010 election. The consultation paper, entitled *Proposal for the reform of legal aid in England and Wales*, argued for the importance, when considering reform of legal services, of handing responsibility back to the individual, and of the largely “practical” nature of the issues with which individuals present to lawyers – issues that would be better dealt with elsewhere, principally voluntary advice centres (MOJ 2010, p. 35).

The propositions made in the paper marked a severe shift towards a *neoliberal* arrangement of justice: prioritising individual responsibility and the hollowing out of state responsibilities (Kirwan 2016). Maclean and Eekelaar (2016) note, with regard to Family Law, that the paper made clear an assumption that law is “at best irrelevant in the family context and at worst undesirable in building a society where self-reliance and self-sufficiency are prioritised” (Maclean and Eekelaar 2016, p. 8). These beliefs would be enacted three years later with LASPO, which, by removing Legal Aid in nearly all Civil Law cases, removed legal support for separating partners on low incomes, fundamentally changing the nature and operation of family law.

The assumption that autonomy and self-reliance should guide divorce procedure is understandable if we restrict ourselves to a “straightforward case”; a couple agree to divorce (an “undefended divorce”) having been physically separated for two years (this is one of the five grounds to show “irretrievable breakdown” of a marriage within UK law – it is five years if the divorce is “defended”). Both petitioner and respondent are internet-aware (and internet-connected) and can research the issues and download the necessary forms. Both parties agree on the sharing of assets and childcare, or there are no such issues to agree upon.

Yet reality is rarely so simple, and the implications of failed or deleterious agreements are far-reaching. Family law intervenes where, to take some key examples: there are disputes over the distribution of assets (including pensions), or

over who gets to live in the family home; where there are disagreements over where children should stay, and when; and where there are concerns around whether an abusive and violent parent should be able to visit the children, and under what conditions.

As will be indicated in the case study, lack of access to legal advice and representation allows for the adjudicating frameworks established by law to be side-lined. To describe some of the detail of these frameworks, where parties cannot agree upon these issues, an application can be made to the court for either a "financial order" or a "child arrangement order". In the former case court decisions are guided primarily by the considerations, including future earning capacity and ongoing financial needs, listed in paragraph 25 of the 1973 Matrimonial Causes Act (MCA), as well as the "yardstick of equality" introduced in *White v White [2000] UKHL 54*. In the latter case, following the Children Act 1989, it is the welfare of the child (rather than the emotional needs of the parent) that is placed centre stage (section 1 Children Act 1989). Of particular importance for the period of my research is the change made to section 1(2A) of the Act in section 11 of the Children and Families Act 2014, which formalised a presumption that there should be "contact at all costs" with both parents, an assumption attracting significant concern for its securing of dangerous contact for fathers with a history of abuse and violence (McDonald 2016).³

The sustained and broad-ranging critique of the impact of the changes brought by LASPO began even before the Act was introduced. Research carried out by Graham Cookson (2011), based on the proposals contained in the consultation paper and the original form of the Bill, set out the "unintended consequences" for other services of the cuts proposed, including increased financial poverty among divorced or separated women and their children (Cookson 2011, p.42).⁴ Despite sustained attempts to fight and mitigate the effects of the bill (Hynes 2013), its effects were immediate, severe and wide ranging (Byrom 2013); in the case of family law the consequences have travelled beyond the worst predictions made before the Act. In the following sections I focus upon three key areas of change within family law resulting from the political context exemplified by LASPO: the failure of the evidence requirements for Domestic Violence victims; the rise of Litigants in Person, and the growing role of mediation, before noting how the adverse effects of the changes fall disproportionately upon women.

3.1. The Legal Aid Evidence Requirements for Domestic Violence Victims

One exception was made to the self-sufficiency focused approach of LASPO, namely the need to protect victims of violence and/or abuse. Yet, While Domestic Violence was included in section 10 of LASPO as an "exceptional" circumstance in which Legal Aid would still be available, fears were raised at the time that the strict evidence requirements introduced would prove a barrier to women (Miles *et al.* 2012, n. 23). Since the introduction of the Act, the charities Rights of Women, Women's Aid and Welsh Women's Aid have together sought to monitor the impact of the evidence requirements on the ability of women affected by violence to access legal aid in family law (Rights of Women 2015). Their research on the impacts of Legal Aid evidence requirements found that nearly three years following the introduction of the domestic violence evidence criteria, a large proportion of women affected by domestic violence were still being denied access to legal advice and representation in the family courts (following a legal challenge brought by Rights of Women these requirements were changed in 2016, including an increase in the time limit for documenting evidence from two years to five years) (Rights of

³ Following campaigning by Rights of Women, reforms announced in 2017 will ensure that this presumption will be displaced if the child or parent's life is at risk (McCurley 2017).

⁴ This projection is beginning to be borne out in research of Citizens Advice clients (Citizens Advice 2016).

Women 2016). In 2015 their research showed that 37% of the women surveyed who had experienced domestic violence did not have the required evidence to access Family Law Legal Aid. As a result, 53% of those who were not eligible for Legal Aid took no action, while 28% represented themselves in court (Rights of Women 2015, p. 1). They conclude that the Legal Aid regulations act as a significant barrier for women:

Too many women at risk of violence are still unable to access legal advice and representation on family law remedies that could afford them safety and justice. (Rights of Women 2015, p. 1)

The failure of the exceptional cases procedure in cases of Domestic Violence to ensure that female ex-partners who had suffered forms of abuse in their relationship continue to receive Legal Aid has significant implications; as individuals must navigate the family justice system without the legal support, the risk is greatly increased of their arriving at unfair and unsafe outcomes and of suffering further and potentially fatal violence (Rights of Women 2015). The importance of legal services in such "high-conflict" cases, where ongoing contact can itself lead to further hostility and violence, cannot be overstated (Trinder and Hunter 2015, p. 538).

The approach adopted by the Coalition Government assumed "vulnerability" to be both straightforwardly evidencable and be the preserve of a small number of ex-partners. It assumed that the forms of labour carried out by lawyers were essential to these cases alone; the remainder would be broadly composed of capable individuals waiting for impetus to take responsibility for their lives. Yet, as Martha Fineman (2008) has argued, the assumption of "invulnerability" is inherently dangerous; we need to understand how individuals are able to deal with (she talks in terms of "resilience to") shared vulnerability to life's problems. As I move to the changing experiences of those who did not fit this mould for vulnerability, the consequences of this assumption of invulnerability becomes apparent.

3.2. The Rise of Litigants in Person and DIY Justice

One key effect of LASPO has been a rise of Litigants-in-person (LiPs) across several areas of Civil Law (Byrom *et al.* 2014, Trinder and Hunter 2015, McDermont *et al.* 2016). Work by the Employment Disputes Project (NSLC 2016b), discussed further in McDermont and Kirk's contribution to this collection, has displayed these effects in Employment Tribunals, where LiPs face the challenge of dealing with a complex area of law and the challenging space of the tribunal itself, meaning that, taken with the additional factor of fees to access the Tribunal, "for many, justice is just not accessible" (Kirk *et al.* 2014).

Yet it is in Family Law that the problematic effects of LiPs have been most widely reported (see for example Bowcott 2014), as senior judges (see Circuit Judge Louise Hallam *-H, Re [2014] EWFC B127* section 4– and the statements by Lord Dyson and Sir James Munby (House of Commons Select Committees, 2015) have made public statements about the detrimental effects upon the courts, families and justice, of the rise of LiPs. Court statistics show that, in Private Law cases, at the start of 2011 in just under half (49%) of cases, both parties received legal representation (MOJ 2016, p. 14). By the end of 2015 this had dropped to 21% (MOJ 2016, p. 14). Between the introduction of LASPO provisions in 2013, and the end of 2015, the number of cases in which neither were represented rose from 13% to 32% (MOJ 2016, p. 14).

In a broad study conducted before the introduction of the LASPO measures, Trinder and colleagues (2014) highlighted the problems facing LiPs in negotiating the family court system. They noted that only some LiPs had been able to access information online (and that this information was often inaccurate, inappropriate and insufficient to their needs) (87) and reported widespread frustration at the lack of

available advice and assistance (100). They feared that, post-LASPO, the vulnerabilities they identified in terms of individuals' "capacity to represent themselves effectively" would "create challenges for the courts in terms of safety at court, testing, disclosure and safeguarding children" (Trinder *et al.* 2014, p. 101). In a follow-up article, Trinder and Hunter (2015) note the realisation of these fears as the LASPO cuts began to bite.

The experience of LiPs provides a key indication of why growing numbers of ex-partners are not going through the court process. Research among clients and advisers of the Citizens Advice service (Citizens Advice 2015) stated that 70% of their participants noted that, without access to a lawyer, they "might 'think twice' about taking a case to court by themselves" (Citizens Advice 2015, p.2), noting also the considerable evidence that the stresses placed upon potential litigants in person mean that they are "giving up before starting a claim" (Citizens Advice 2015, p.25).

In the post-LASPO era, to go to court increasingly means doing so on one's own, with the attendant stresses and pressures of negotiating a system that is both intimidating, alien and expensive. Accessing one's rights is not a straightforward process; it is economically and emotionally taxing, adding additional weight and exhaustion to life already characterised by debt and employment burdens (see Berlant 2011, Deville 2015).

3.3. A Renewed Role for Mediation

There has been a long-standing route for removing *lawyers* from what should be a personal process, namely mediation, in which trained mediators work with both partners, in a non-adversarial process, to enable an amicable (and as such sustainable) agreement between parties. The idea that ex-partners should attend mediation sessions before (or instead of) seeing solicitors and starting court proceedings has long played a key role in Family Law reform. Most notably, a 1995 government white paper (Lord Chancellor's Department 1995), preceding the ill-fated 1996 Family Law Act (see James 2002), proposed that ex-partners who are able to form their own agreements would enjoy an improvement of communications and a platform for communication moving forward into their post-separation lives (Lord Chancellor's Department 1995, pp. 37-38) – principles that remain at the heart of the current drive to draw parties away from solicitors and court proceedings (Herring *et al.* 2015, pp. 18-19). Thus LASPO retained legal aid for mediation (sections 8 and 9 LASPO), and the Children and Families Act now requires applicants for court proceedings in family cases to attend a Mediation Information and Assessment Meeting (MIAM) (section 10 Children and Families Act).

Despite this push, take up of mediation remains poor (Family Law Week 2016). A report from the Mediation Task Force (2014) noted a clear problem in the disappointing take-up of mediation – that in the absence of Legal Aid *prior* to mediation there is a dearth of referrals (Mediation Task Force 2014, p. 12). Yet where mediation has been taken up, its use has only confirmed long-standing criticisms of the practice, namely that where there are inequalities of bargaining power or histories of abuse the "neutral" mediator can perpetuate existing problems, and that mediators lack the expertise, skills and resources to accurately reflect a party's true wealth and sort through complex financial affairs (Herring *et al.* 2015, p. 22). Furthermore, a written agreement made through mediation (a Memorandum of Understanding) is non-binding until converted (at further expense) by the parties' solicitors.

While research by Barlow *et al.* (2014) found *some* satisfaction among clients of mediation, with participants responding positively regarding the skills of the mediator and the structuring of the sessions, and reporting an improvement of communication even where there was no clear outcome, their work showed how in high-conflict cases particularly there were significant failings in the mediation

process. They found troubling questions around “vested interests” being able to influence a MIAM (Barlow *et al.* 2014, p. 5), as well as a failure of the “screening” processes for Domestic Abuse, with the consequence that parties were referred to mediation where there had been a history of violence (Barlow *et al.* 2014, pp. 7-8). Power imbalances were experienced both between parties and between clients and the mediator; there were frustrations at the inability of the mediator to give legal advice where it was clearly needed; and “the non-enforceability of agreements reached during the sessions” was further cited as a source of annoyance (Barlow *et al.* 2014, p. 10).

The push for mediation to replace, rather than work alongside, advice and representation from lawyers, assumes a homogeneity of relationships save for the exceptional cases involving domestic violence. It presumes a field of balanced relations where lived history, and the complex vulnerabilities that come with it, can be negotiated and managed. While research shows the extent to which mediation can enable resilience across the negotiation of child-caring and financial matters, most notably in enabling a clear understanding of the journey that led to an agreement, it can also leave ex-partners with the opposite experience: an anxiety that forms due to the agreement being non-binding; and a realisation that ill-informed and ill-equipped mediators were inappropriate to managing a conflicted and complex situation.

3.4. Gendered Effects

As Barlow (2015, p. 223) argues, under a system assuming the “autonomy” of ex-partners, “structural issues and gendered social norms within wider society expose some family members more than others to relationship generated disadvantage”. Taken together, it is important to note that the effects of these changes are deeply gendered; while there is concern over the capacity of vulnerable and non-assertive men to secure contact with children, the adverse effects disproportionately affect women (Kaganas 2017). The inability of Litigants-in-person and mediators to fully investigate and challenge financial arrangements and to draw on the equality-driven framework set out in law, notably with regard the deeply complex area of pension sharing, has a greater effect upon women (Hitchings *et al.* 2013, p. 127), who remain disproportionately engaged in domestic rather than wage labour. Even where the reforms sought to mitigate for this disproportionality of effects, as in the case of the exceptional cases procedure, it has largely failed to protect the women it was designed to serve. There is as such a significant need to understand how women in particular are negotiating the post-LASPO terrain of family law, and for this reason I focus in this paper upon online spaces utilised by female ex-partners.

4. Case Study: online seeking legal advice

As noted throughout this discussion, it has always been the case that large numbers of ex-partners resolved their issues *in the shadow of the law*. Nonetheless, the available research into experiences of separation since 2013 suggests significant changes in the organisation and composition of separation journeys, with the influence of the frameworks and dynamics of family law in significant retreat. In this light, there is an urgent need to understand how ex-partners talk about separation and what role is played therein by the frameworks of family law.

Of the multiple potential sources of advice and information available to ex-partners beyond family lawyers – friends and family, face-to-face advice providers, health professionals and other services – digital spaces have attracted particular interest among policy makers and research professionals (Smith 2013b). We can isolate several key reasons for this: there are cost saving incentives in promoting peer-to-peer platforms as spaces for the sharing of information and advice without recourse to a legal professional; developments within online dispute resolution (ODR), and

the example of the Dutch Rechtswijzer (Smith 2013b), promise a world in which complex negotiations might all be conducted online; and as online platforms remain in a period of growth and development there is a shared feeling that the full potential of *the digital* has not yet been realised.

Before moving to the case study, I address first previous research into online advice seeking behaviours, and with a view to the growing need for further research in this area, assess how to carry out informative and ethical research into online spaces.

The relevant websites for individuals seeking advice and information on family law matters can be separated into five categories (see also Smith 2013a). The first are established advice services with an online presence: Citizens Advice, the Money Advice Service, Shelter and others. The second are family-oriented web spaces with problem-focused community fora: Netmums, Mumsnet, Families need Fathers and others. A third are family-focused counselling, mediation and advice services: One Plus One, Gingerbread, Relate and Resolution. The fourth are specialist Family Law and divorce websites: Wikivorce, Family Law Week, The Divorce Magazine and others. A fifth, though not strictly within a *delegalised space*, are sites offering legal advice for sale by e-mail: foremost among which are JustAnswer and Law on the Web. It is important to note also the Dutch online dispute resolution tool Rechtswijzer, noted by Smith (2013a) to be "much better" than anything available in the UK.

While there is some understanding of how individuals seek and develop trust in online advice in the field of health, due most notably to the work carried out by the team led by Elizabeth Sillence (Sillence *et al.* 2006, 2007a, 2007b), the nascent field of online legal advice-seeking has received less attention in the UK. The key exception in the field of Family Law is the work carried out by Carrie Paechter (2012a, 2012b) on the Wikivorce discussion community. Paechter focuses upon a six-month period during 2007, chosen because it was a key period in the development of the site community. Her key interest is upon the development in this time of a "community of practice", describing how the experience of family separation led online posters to feel increasingly attached to the Wikivorce community, giving increasing amounts of time and energy to assisting others. She notes how individuals' continued involvement could lead, over a period of weeks, from seeking information to distributing it, and how the site as a whole progressed, in line with its users' increasingly nuanced understandings of law, from providing generalisations to giving specific, tailored responses (Paechter 2012b, p. 8). She notes also the importance of the forum in providing emotional support for separating parents and for developing parenting practices and knowledges for life *beyond* separation.

4.1. Online methods

A useful starting point in considering best practice (see Stewart and Williams 2005) and ethics (see also Markham 2005) in this field, is the above-mentioned work of Carrie Paechter (2013), who carried out *retrospective* research upon forum posts in the Wikivorce website and also used the site to recruit participants for interviews. Investigating how the forum developed and sedimented, she notes the key ethical considerations in using Wikivorce as a research space to be: the sensitive nature of, and "considerable confidentiality safeguards" applied to, Family Law cases; the fact that individuals are posting at "a particularly traumatic time of their lives"; and the considerable dangers of participant identification – most notably the risk of identification by an ex-spouse (Paechter 2012a).

Considering this latter point, Paechter (2012a) rejects the idea that forum posts are like "letters to a newspaper" for which the author has implicitly given permission for further publication without further anonymization (Langer and Beckman 2005). Paechter follows Shoemaker (2009) in arguing that the researcher, in bringing

together information and contextualising them, is engaged in procedures that change this information. Thus she uses new pseudonyms (that is, a different pseudonym to the user handle) for forum posts (Paechter 2012a). Following Paechter, in my presentation of forum posts, I use the general term *OP on Mumsnet*, and have been sparing in the direct quotations of posters, removing financial amounts, time periods and other data.

Of the websites listed above, it is Mumsnet that has most frequently been the site of academic research. Pedersen (2015) and Pedersen and Smithson (2010, 2013) carried out research into, respectively, experiences of femininity and the marginal spaces of men. They used tailored surveys of Mumsnet users - the 2009 Mumsnet census (the most recent census was carried out in 2015), and "pinned" threads posted on the Mumsnet forum explaining the research and inviting responses.

Through their research practice Pederson and Smithson problematize the role of the "lurker" researcher: they note that they were previous users of the service (indeed they met each other on a Mumsnet discussion), stressing the importance of their involvement in avoiding "othering" the user-participants. While, regrettably, I was not a user of these fora prior to starting the research, and the investigation fits in to the "lurker" research framework, it is interesting that, as Paechter (2012a, p.74) notes, while focus is placed upon the posters to fora, these spaces already account for the lurker as "an explicitly peripheral participant role", and as such "lurker" researchers are echoing genuine use of the discussion space.

4.2. *Mumsnet and Netmums*

The case study focused upon two online forums: Mumsnet *talk* and the Netmums *coffeehouse*. Both Mumsnet and Netmums were launched in the year 2000 (while Mumsnet was always focused upon parents sharing experiences, the Netmums *coffeehouse* was launched four years later) and are of similar size: as of November 2016, Mumsnet had 2.2m monthly visits to Netmums' 1.4m (Trafficestimate 2016a, 2016b). Both sites are discussion spaces where an "Original Poster" (OP) posts a question, the title for which then appears as a link within a particular discussion space. Responses to the post appear beneath the original post in chronological order. Both sites deal primarily with parenting and relationship issues, covering an extremely broad range of issues including education, debt, housing and other areas. Both sites share practices for posting (such as "bumping" a thread with an empty response to raise it to the top of the advice threads list).

If to this extent the sites sound very similar, they are divided by key differences in terms of who uses the sites and for what reasons. As one Mumsnet poster put it: "They are both parenting websites. That is the extent of the things they have in common" (respondent on Mumsnet). While I am not attempting a comparative study, it is worth highlighting here the broad differences that separate the site (discussed as much by external observers as within the fora themselves). This difference is most commonly focused on the idea that Mumsnet is more "middle-class" and straight-talking. As Pedersen and Smithson note:

The Mumsnet discussion forum is characterised by a robust use of language and a celebration of confrontational, opinionated, literate and well-informed debate. While the site as a whole acts to reinforce middle-class parenting values, its tolerance of aggression and swearing and focus on entertainment rather than support allows its users to celebrate its difference from other parenting sites. (Pedersen and Smithson 2013, p. 97)

To note some further differences: while the specific language of acronyms⁵ is shared across both fora (and elsewhere), it is in more frequent use on Mumsnet, leading to a sense of an enclosed community with a strong sense of its own identity

⁵ To give some common examples: *stbx* or *stbexh* = *soon to be ex* (husband); *sahm* = *stay at home mum*; *eow* = *every other weekend*. Mumsnet provides a useful list on its Acronyms page: Mumsnet n.d.

and boundaries. In contrast, a visitor to Netmums will find more frequent use of "text-speak", emoticons (images) and icon "tickers" (showing a countdown to an event or other figure subject to ongoing change). Netmums is also considered a more local service, offering more information on childcare, services and meet-ups in one's own area.

I restricted the time frame for the case study to a two-month period: June and July of 2016.⁶ As discussed above, this is a period characterised by significant changes to the landscape of family law: not only is legal aid not available for most posters, but changes to family law (with the 2014 Children and Families act) mean that there is more to understand and a range of new concepts for individuals to get to grips with.⁷

Concerning search methodology, I was looking for all discussions in which the original poster (OP) is seeking advice on legal dimensions of divorce and separation; I did not include discussions in which these questions came from respondents to the OP but not the OP themselves. It is important that not all of the OPs were women – where posts were made by men these are signalled.

While Mumsnet has a forum area devoted to Divorce/Separation, many of these conversations take place in other areas, notably *Relationships* and *AIBU (Am I Being Unreasonable)*, often as part of broader discussions (the broader categorisations on Netmums mean that these conversations mainly take place in *Family/Relationships* and *The Serious Stuff*). I used a variety of search techniques to cast as wide a net as possible across these fora, using both concatenated ("child arrangement order") and un-concatenated (divorce procedure children) searches.

It is difficult to put exact numbers on the numbers of posts that fall into the research area. A simple search for *divorce* brought up over 1,000 cases on both fora. Using these criteria and searches I examined around 70 discussions from Mumsnet and around 100 from Netmums. From my study, it was clear that while there was a greater volume of discussion on Mumsnet on these topics, as indicated by Pederson and Smithson's observation that Mumsnet is more focused upon "entertainment" as opposed to "support", Netmums produced more conversations where individuals were seeking advice or help on specific legal issues. An un-concatenated search for "divorce child contact arrangement", for example, brought up 19 results on Mumsnet and 16 on Netmums. Yet only four of the Mumsnet OPs were actually seeking answers on the specifics of Child Arrangement Orders, the others being individuals seeking support and advice on (or simply voicing their frustration with) the behaviour of their partners, or general conversations around the ethics, practicalities and politics of contact arrangements. In contrast, 13 of the conversations on Netmums began with OPs who were explicitly seeking advice.

In the following section I detail the nature of these conversations, identifying key tendencies and spaces for future research. I have separated the discussions into those in which OPs are beginning the divorce process and require general information on concepts, terminology and procedure, and those in which OPs raise questions related to the two key areas of family law (children and finance).

4.3. Divorce Procedure

In these cases OPs were either considering beginning the divorce process, or had already made this decision and were in the early stages of gathering information.

⁶ This time period was set by the timing of the fieldwork (taking place across July of 2016) and the search parameters of Netmums, which allows for search over the previous month. Due to the other changes taking place between 2013 and 2016, notably to the spaces themselves, I chose not to pursue a before/after LASPO comparative analysis.

⁷ As indicated above, the Act replaced Contact and Residence Orders with Child Arrangement Orders, made the MIAM a compulsory requirement before any application to the court, and introduced a presumption of shared parenting (Heenan 2014).

They were typically seeking legal and practical advice on: what expertise they would need, what forms to fill in and what information they would need to complete them; what issues would need to be dealt with; how long it would take and how much it would cost; and what the potential outcomes might be. To quote one OP:

Someone plz help me.

My marriage officially ended, husband left me almost 2 months ago following [Time Period] of broken relationship, he wants a divorce too.

i am filing the petition myself, will it take longer as i am not using a lawyer? can't afford solicitors fee, so pulled forms online and i am about to send it next week.

i rang community legal advice, i'm not entitled to legal aid... apparently my income is too high??? (OP on Netmums)

As is indicative from this passage, even when the separation is "amicable" these posts are fraught with emotion; the need to seek help is mixed with expressions of distress. Reflecting the fact that most petitioners in the UK are women (63% in 2014 in England and Wales) [Office for National Statistics (ONS) 2016],⁸ in most cases, such as the above, the OP was filing the petition themselves. In a small number of cases the trigger for the OP to approach the forum had been their receipt of a divorce petition from their ex-partner.

Several individuals in this early stage are looking for indications of issues they may not have considered. As one OP finished a post setting out the history of the break-up: "Please - any money tips - do tell me. I'll deal with emotions another day" (Poster on Mumsnet). In line with Paechter's (2012b) observations on the development of knowledge within these spaces, it is to these forms of questions that non-expert knowledge can be most useful: not providing answers but indicating a set of questions that separating partners will need to address. In other cases OPs are seeking information about the legal system generally, such as whether they should seek a lawyer or the reliability of online divorce services.

Only one of the posters noted the fact that Legal Aid would have previously been available in their case. This is indicative both of the practical nature of the conversations – people are seeking practical and emotional support rather than a lecture, but also the fact that it is, to some extent, the lack of legal aid that makes these fora so vibrant and relied upon. While there was anger at (rising) court fees,⁹ the injustice created by LASPO was referenced in this conversation only and phrased in terms of general bafflement:

Hi there

I was just wondering how people manage to get help with legal costs, now legal aid is limited to DV victims (with evidence) who have additionally NO savings and NO mortgage, meaning only those renting / living housing cost free.

It's too late for me (...)

How does someone with no money at all (like me, my husband emptied all accounts) manage to get legal advice, other than an initial free session? (OP on Mumsnet)

4.4. Financial questions

There are a variety of complex financial questions to be addressed and resolved in divorce proceedings that require complex consideration and, when poorly or unfairly addressed, can lead to ongoing debt and hardship in post-separation lives (Douglas and Perry 2000, Douglas *et al.* 2007, Hitchings *et al.* 2013). OPs in these cases discuss: selling and dividing the family home (including trusts and ownership

⁸ This is also the case in the United States (Rosenfeld *et al.* 2015) and Australia (among single applicants) [Australian Bureau of Statistics (ABS) 2016].

⁹ In March 2016 divorce fees rose from £410 to £550.

structure), levels of equity, who currently living there, fit for post-separation purpose, the different levels of actual and potential income in the past, present and future of both parties. While there was relatively minimal discussion in original posts of shared debts and the question of whether partners are joint and severally liable for these, these were in some cases raised by respondents. In procedural terms, some OPs were seeking advice on whether they should agree to the proposal made by their ex-partner, what kind of proposal they should be making given their circumstances; or, on a very different time-scale, years after the separation are seeking to clarify informal arrangements or responding to the partner's attempt to do this.

4.5. Children

In a similar fashion, there are a range of complex issues to be resolved with regard the children of separating parents (and in some cases, children of previous relationships). These focus primarily upon where (in which property, with which parent, and at which times) the children will reside; and what form and extent of contact a non-resident parent will have.

Mumsnet contained a greater number of what could be termed "amicable" questions: queries focused upon what arrangements would be sustainable and emotionally rewarding for all concerned in the long term. As one OP opened their post:

Not quite at the stage of H moving out yet but does anyone have experience of contact arrangements for kids that are older. (OP on Mumsnet)

At the other end of the scale many OPs cite extreme distress at ex-partners' physical, verbal and financial abuse, either seeking to stop existing contact or resist a new attempt at contact. In the small number of discussions involving physically abusive partners needing an immediate response the stakes and risks of the *delegalised space* are made terribly clear. In such cases, as discussed further below, the presence within Netmums of expert moderators allowed for referrals to relevant agencies, including Citizens Advice and Rights of Women. In several cases a questioning of existing contact arrangements had been triggered by the ex-partner starting a new relationship; as discussed further below this was an area of questioning that created particularly frank and unsupportive responses.

4.6. (Non)Legal Framings

Discussions can also be separated between those in which the OP is *directly* seeking help and advice, and those in which such questions emerge, often in subsequent posts by the OP prompted by respondents, as part of an initial exploration of the emotional sides of break-up, or as part of a "rant" (a self-aware description used by many of the OPs themselves) or general discussion, for example within *AIBU*.

Across these categories, the vast majority of posts, across all the areas listed above, are characterised primarily by distress and anger (this must be taken in the context that I was not including those discussions that did not raise legal questions). Even where individuals began their posts requesting legal information *only*, in many cases as the post continued the OP nonetheless detailed their anger and frustration with their ex-partner.

It is important to note in this respect the different ways in which this anger relates to a belief in "justice" and the role of the court process, most importantly when examining the difference between financial and child-related questions. Across all forms of query, OPs would often frame questions with reference to the possibility of a clear legal solution, for example by asking "where do I stand in the eyes of the law?" (OP on Netmums). In finance-related questions there was very little critical questioning of this law; the vast majority of OPs and respondents presented an expectation that the courts would make a just arrangement if only the respondent

could fully access the “legal” process. Thus, in response to the above question, giving an abbreviated version of section 25 of the MCA, a respondent stated:

A judge will look at living standards during the relationship, take into account that you gave up work to raise the kids and that your husbands career has developed where yours hasn't. He would look at the standard of living you would have going forward. Your solicitor will tell you how it all works. X (Respondent on Netmums)

Frustration and anger in these posts were directed towards the difficulties of accessing legal advice and representation, in particular where OPs stated that their ex-partners *did* have access to legal representation and were being untruthful about their financial circumstances.

In contact arrangements however the relationship between “law” and “justice” was markedly different. Many posts expressed a fear that the courts would make arrangements, or already had made arrangements, that were not in accord with the OP's beliefs regarding their ex-partner and the needs of the children. The law itself was thus presented as a barrier to justice.

Despite the image of Mumsnet being “robust” and combative, it was the case in both fora that the majority of responses were supportive. A variety of expressions recognising the difficulty of the situation and extending moral support to the OP are extremely common in the initial responses particularly.

Previous work on these fora have noted that, within these “supportive” spaces, normative notions of parenting and authority can be reinforced as certain framings of the problem and its agents continue un-questioned. Such normative notions are particularly clear when practical and legal questions are combined with anger at the ex-partner having an affair. As one respondent notes:

Oh love, well done for not having agreed to this! **You mustn't**. You absolutely cannot trust a man who has an affair. (Respondent on Mumsnet)

In other cases moral assumptions regarding the importance of motherhood related to these can give misleading understandings of the law:

As you have been a stay at home mum, bringing up your children, regardless of what he earns he will have to give you spouse maintenance. Not sure on the exact name but it's basically when you have given up work to care for his children. (Respondent on Netmums).

These responses suggest the existence of an “echo chamber” (Sunstein 2007) in which OPs original animosities and assumptions are reinforced by respondents, a situation that contradicts the key labour identified among family lawyers, namely managing the expectations of separating partners in prepare them to make an agreement (Maclean and Eekelaar 2016).

Yet it is important to note the frequency with which these reinforcing responses are disrupted. We can isolate in this respect three key forms of disruption. The first concerns legal correction. Thus, in the above discussion regarding spousal maintenance a later respondent states that this is “absolutely not true”, arguing instead that there is a prevailing tendency towards “clean-break” arrangements, an assumption regarding recent case law that is itself contested (Cowell 2014). For Paechter (2012b, p. 8), this capacity of certain users to use their own expertise and experience to correct misleading, unclear and incorrect assumptions as to law can be taken as a measure of the maturity and development of an online space.

A second form of disruption concerns the ex-partner of the OP. Principally encountered in discussions over contact arrangements, it involved respondents introducing the ex-partner's view; in this case making the argument that it is difficult for fathers to lose their relationships with their children. In this respect Mumsnet was a significantly more disruptive space. As one respondent stated:

Well put yourself in his position. Would you feel upset if your children no longer lived with you? I know I would be. (Respondent on Mumsnet).

As another noted:

It seems grossly unfair why I should have to burden the cost of childcare, but that's the system and I guess there's also lots of dads out there who are battling for more access to their children because the system still favours mum's in terms of residency etc. (Respondent on Mumsnet)

Paechter (2012b, pp. 11-12) notes that Wikivorce, by incorporating more male voices, allows for more of these disruptions; indeed they shape the tone of the space.

The third form of disruption occurred where differing normative expectations of women were in tension. In its most contentious form, this occurred in discussions over spousal maintenance, where the expectation that women become independent of their ex-partners and do not rely on their money was in tension with the belief that *stay-at-home-mums* have given up their earning potential. The following is typical of the most combative responses in this respect:

Why do you need spousal support, all this is very greedy. He's paying enough maintenance towards his kids why does he need to fund your lifestyle when you are getting a divorce? I never understand this. Earn your own money, fair enough he's got a good job however it's his job not yours. (Respondent on Netmums)

These responses are interesting in that they occur at the intersection of key strands of feminist theory, namely the importance of autonomy and the valuation of household labour (Barlow 2015). It is key that, irrespective of the legal situation with regard spousal maintenance, these active and vociferous debates move around an idea of what a "reasonable" financial settlement is, independently of the framework set by the MCA and subsequent case law.

A final form of response that is important to note here concerns the presence of "Netmums Parent Supporters" in the Netmums *The Serious Stuff* forum. These individuals are "on hand every morning and evening in our Coffeehouse forum to give advice and offer support to you" (Netmums 2017), providing a mixture of emotional support, basic information (such as the possibility of claiming Child Maintenance) and agency referrals. It is important that these posts are much closer to the forms of emotional labour carried out by face-to-face advisers, tailoring cautious responses to the ways in which the post is delivered (Kirwan 2016). Given the resource-efficiency of online experts providing tailored advice, these forms of labour are seen by many within government and the advice sector as a space of significant and important growth. It is as such essential that more work is carried out within these vanguard spaces as to their effects, comparative work and outcomes with face-to-face advice.

In sum, taking a positive view, the discussions taking place in these fora provide: task lists for individuals starting out on their separation "journey"; introductions to opposing points of view; and both unofficial and official referrals to relevant agencies. Yet perhaps the most important support provided to individuals seeking legal assistance is emotional: while the initial accounts given by OPs frequently displayed severe levels of distress and isolation, their follow up responses often attested to the significant emotional support provided by being able to frame, share and discuss their issues. On the other hand, as other studies have noted, online discussion forums frequently offer legally-misleading and outdated information and an echo-chamber that could mislead individuals as to how, and on what terms, family courts might make arrangements with their ex-partners.

4.7. Justice matters

Considering the dynamics of legal consciousness at play in these discussions, it is important to note how understandings of, and relationships to, justice, and the

courts, was conflicted and varied between areas of discussion. As noted above, "legal" perspectives were combined with moral standpoints, with no clear codes or visual signalling to demarcate the two. This intermixing played out differently in the different areas of discussion. In line with the gendered nature of separation problems detailed above, many OPs found themselves in a vulnerable financial position approaching separation, and as such held faith in the courts and the legal process to recognise the value of domestic labour and account for their future needs. Yet there was dispute over whether the law already takes too generous a view on women's rights over their ex-husband's income, with discussions being occasionally punctuated by antagonism towards the "greedy" demands of separating women, reflecting media discussion of high-value divorce cases (Hardy 2017, MacKenzie 2017).

In discussions over contact with children, this belief in "justice" was more frequently held up for questioning, as OPs voiced anger over existing contact arrangements (or potential arrangements) in which the children's well-being was ignored in favour of the contact rights of fathers. Across discussions over contact, the language of "what a court would decide" nonetheless held considerable sway, often in the subtle invocation of an outside authority:

an uninvolved father who has only seen them once a month up till now, hasn't bothered showing up to parents evening or contacting them in between visits is unlikely to get 50/50. (Respondent on Mumsnet)

Yet, even in the high-conflict cases in which OPs were seeking to withhold contact entirely, the vast majority of OPs, engaged in disputes taking place outside of formal legal avenues, were looking for advice and guidance for navigating an extra-legal sphere. Disputes over weekly arrangements, caring duties, or the presence of new partners, were being resolved without recourse to solicitors or the courts; the guiding question was as such less "where do I stand in the eyes of the law" than "am I being unreasonable" or "how can this be solved". To take an indicative example, in a discussion over how far a resident mother should travel to facilitate an ex-partner's contact, while the courts, as guided by the amended Children Act (see section 11, Children and Families Act), would focus upon the welfare of the child and the role played by both parents therein (rather than any right of the parents) (see Heenan 2014), debate focused upon a different set of questions:

If he chose to move away then he should travel. At most you should travel to where he lives before he moved but he is responsible for the journey as he chose the distance. (Respondent on Mumsnet)

In this area particularly it is important that *separate* frameworks are developing in these spaces, anchored around emerging ideas for reasonable travel arrangements, workable contact schedules, or the importance of former alcohol problems or extra-marital affairs. The rich discussions taking place in these spaces, featuring multiple voices and disruptions, while showing a connection to justice, also show the unanchoring of family decisions from family law (see Eekelaar 2015). They demonstrate the presence, looking to a legal pluralist frame, of multiple forms of normative ordering.

These forms of framing questions, responding and interjecting can be seen as emergent frameworks for determining approaches to a highly legalised space with *separate* normative frameworks that appear as refractions – bearing the stamp of but ultimately distinct from – of the family law practised in the courts. The distinction between a "messy" social, in which decisions are made with reference to attachments, beliefs and assumptions, as opposed to an ordered and bounded law, is no longer tenable (if it ever was) in *the delegatised space*, where forms of discussion, negotiation and arrangement take place with reference to normative frameworks that mirror and refer to the law without being necessarily being defined by it.

In sum, while this is only a snapshot of two key spaces in which individuals explore and learn about post-separation arrangements, the plural composition of ordering frameworks raises a key question, one that defines activity within the *delegalised space*, namely that of the extent to which family justice is defined by what occurs inside a courtroom, or by the emergent frameworks for “reasonableness” (or “greediness”, or “workability”) being created within discussion fora. Many of the OPs came to the forum as a result of issues framed by the formal law: whether to agree to or contest a proposition made by their ex-partner, or what grounds to use to show that a relationship has irretrievably broken down. Yet, as increasing numbers of individuals are not able to access formal legal advice, nor would cases be heard in a legal setting, a key question for research in family justice is how influential the normative frameworks emerging within and across these discussions are in shaping the decisions separating partners make in such situations. Once again, research over the long-term is needed to assess how agreements reached through such frameworks of “reasonableness” are sustained, breached and negotiated in the coming years.

5. Conclusion

The difficulties facing ex-partners navigating the separation journey in the *delegalised space* highlight not only the perilous state of access to justice in family law, but also across the UK civil law, including the difficulties of fighting benefits decisions, managing debt burdens and precarious employment situations.

The stakes of these changes are clear: the withdrawn support has been shown to dramatically affect lives, with the adverse effects falling predominantly upon female ex-partners, most notably when considering the lack of support for individuals suffering domestic violence.

While others have seen divorce negotiations as taking place in the “shadow of the law”, I have sought to set out in this paper the *delegalised space* as not only an image of the retreat of law from these negotiations and discussions, as access to lawyers and the courts is restricted, but also as an indication of the increasing pluralism of decision-making frameworks guiding these decisions and arrangements. From a *legal pluralist* perspective, understanding family justice cannot be framed solely in terms of family law – either its presence or its absence – but rather in terms of the plural normative frameworks developed online and other spaces, and the ways that separating parents (whether active users, respondents or lurkers) attach to and interpret these frameworks. These are the questions that the tools of legal consciousness and legal pluralism perspective allow us to pry open.

To understand the changing stakes of family justice, and how the shared, but very different, vulnerabilities of ex-partners to the separation process will play out over the long term, longitudinal research will be essential. This is required not only to better understand the use of information found in the *delegalised space*, but also how the negotiations and breaches of childcare and financial arrangements occurring in the years following a separation relate back to these decisions.

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