

Government proposals for 'no fault' divorce undermine marriage as a solemn commitment

The government is proposing to remove the concept of fault from divorce legislation. The new proposals are outlined in a consultation paper launched on 15 September. According to the document, *Reducing family conflict: Reform of the legal requirements for divorce*, the government is planning to replace the current requirement to cite a spouse's conduct or the fact of a couple's separation with a simple notice that the marriage has broken down irretrievably.

In his Foreword, the Lord Chancellor and Secretary of State for Justice, David Gauke, argues that, 'the emphasis on allegations about conduct, which some people see as blaming the other party, adds uncertainty and pain to the legal process and can increase ongoing conflict in the family'.

However, critics of the plans argue that the proposed reforms trivialise marriage and reduce its status to that of a tenancy contract. In the view of the Coalition for Marriage, 'no fault' divorce is, in effect, 'no reason' divorce, and its introduction would only serve to undermine marriage by allowing anyone to walk away from their commitments with the full support of the state, despite lacking due cause.¹

The current law

Since the Divorce Reform Act 1969, the law has provided only one *ground* for divorce – 'that the marriage has broken down irretrievably'. However, in order to grant a divorce, the petitioner must satisfy the court that the marriage has broken down irretrievably with reference to one or more of the following five *facts*:

- the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;
- the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
- the respondent has deserted the petitioner for a continuous period of at least two years;
- the parties to the marriage have lived apart for a continuous period of at least two years and the respondent consents to the divorce;
- the parties to the marriage have lived apart for a continuous period of at least five years.

Of the 106,713 divorces granted in 2016, 27 per cent were for separation (two years with consent), 15 per cent were for separation (five years), 11 per cent for adultery, and 45 per cent for behaviour, with the remainder either for desertion or a combination of adultery and behaviour.

The proposed reforms

Under the government's proposals, there would no longer be any requirement to cite any of the five facts. The petitioner would merely notify the court that the marriage had irretrievably broken down, without referring to adultery, 'unreasonable behaviour', desertion or separation.

The government argues that this approach will reduce family conflict. The consultation document states:

'The Government believes that the law should not exacerbate conflict and stress at what is already a difficult time. The Government accepts the principle that it is not in the interests of children, families and society to require people to justify their decision to divorce to the court.'

The government is also proposing to remove the ability of a spouse, as a general



David Gauke
Justice Secretary
and Lord Chancellor

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rule, to contest the divorce. The rationale for this is that 'if one spouse has concluded that the marriage is over, then the legal process should respect that decision and should not place impediments in the way of a spouse who wants to bring the marriage to a legal end'.

While the government acknowledges that its proposals could lead to a temporary increase in the number of divorces, it does not anticipate that they will lead to marked changes in divorce rates over the longer term.

Undermining marriage

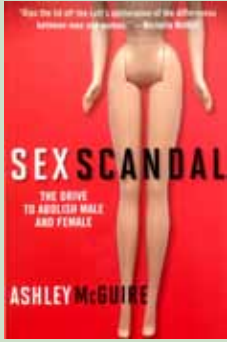
Although the government claims that its proposals are compassionate, removing the concept of fault from divorce legislation is calculated to lead to adverse consequences.

As the Coalition for Marriage (C4M) has noted, 'no fault' divorce undermines marriage by allowing anyone to walk away from his or her commitments at any time, without having to give a good reason, and with the full support of the state:

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Sex Scandal: The Drive to Abolish Male and Female

Ashley McGuire

Regnery Publishing, 2017,

hb, xv + 272pp, US\$27.99

ISBN 9781621575818

At the outset of this refreshingly straightforward title, social commentator Ashley McGuire notes that it has become a violation of the accepted code of conduct to suggest that men and women are different and to act accordingly. When we are increasingly trying to treat men and women as if they were the same, it is hardly surprising that we find ourselves in the midst of growing sexual confusion. McGuire writes: 'The wilful blindness to basic biological differences under the mantra of equality ultimately disempowers women. It forces them to compete on male terms and punishes them when they fail.'

She notes that all too often sexual confusion begins in the classroom, with curricula which teach that gender is a 'fluid social construct' and that sex is a meaningless label assigned at birth. One sex education curriculum teaches, for example, that 'there is a broader, boundless and fluid spectrum of sexuality that is developed throughout a lifetime'. But as McGuire trenchantly observes, if sex doesn't matter, and if we are going to pretend that there are no significant biological differences between boys and girls, then why have girls' sports at all?

Understanding sexual difference

It is not only in the sporting arena that sexual differences matter. Good medicine requires sexual difference as a baseline, since women have very different health risks and symptoms from men in a host of categories. Understanding sexual difference drives medical and scientific advances to make us all healthier.

McGuire traces the evolution of language regarding sex and gender; when sex became associated with the erotic, 'gender' began to be used as a euphemism for sexual differences, until in the 1960s it took on a highly politicised meaning of its own. The final frontier in the gender revolution is the complete abolition of gender distinctions – the idea that gender is not binary but a spectrum.

For decades, Women's Studies departments have been quietly dismantling the meaning of sex and gender, and pushing a form of feminism premised on a denial of women's distinct nature, especially the capacity for procreation. But that project ultimately required the denial of all reality.

McGuire demonstrates how a failure to acknowledge the very real differences between the sexes has given rise to a false equality. For example, integrating women into every aspect of the military without any regard for sexual difference is placing them at increased risk. A study conducted by the Marines found that women may now have an equal right to fight on every front line, but they have an unequal chance of surviving.

Abandoning femaleness

While men refuse to abandon their manliness in the sexual revolution, women have abandoned a great portion of their femaleness in a mostly doomed attempt to establish equality, understood as being identical with men. The sexual revolution was premised on the empowerment of women, yet it had the effect of erasing most of the distinctions that set women apart from men. Femaleness was absorbed into male-ness. From the beginning, the plan was not really to liberate women to be women; it was rather to make the female body just like the male body: barren. To the warriors of the sexual revolution, women were only really living if they lived like men.

McGuire writes that cohabitation represents the ultimate male triumph in a non-chivalrous world; men receive all the goods of marriage without any of the commitment. A form of 'gender equity' which entails the denial of sexual difference shuts down chivalry. Sexual difference *activates* chivalry.

Sex Scandal primarily focuses on women since they have the most to lose, but McGuire also notes that sex-denial has created a crisis of masculinity as well. The reality is that we are body and soul, and from the moment of conception, we are male and female. Rather than try to quash that reality, she writes, we should step back and marvel at it.

Proposals for 'no fault' divorce undermine marriage

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*'[It puts] the most vulnerable at risk by removing the protections in the current system for those who become disabled or suffer a financial setback and whose spouses currently cannot divorce them on this basis.'*²

According to C4M, the government's proposals ignore common sense:

*'You cannot strengthen an institution by stripping it of its legal protections and asking progressively less of its participants.'*³

The *Daily Telegraph* columnist Tim Stanley points out how vulnerable spouses might lose out if the government's proposals pass into law. He writes:

*'Imagine you have a stroke and you're left disabled; theoretically, under no-fault your husband or wife could be out the door – 'Nice to know you, goodbye!' – within six months. Marriage is supposed to carry obligations. If a spouse abandons you or turns abusive, having recourse to protest a divorce and make your case in court is surely a good thing.'*⁴

The consultation document states that: 'Marriage is a solemn commitment, and the process of divorce should reflect the seriousness of the decision to end a marriage.' Yet the proposed reforms reduce marriage to a non-binding contract, which can be declared null and void with relative ease. Far from reflecting the seriousness of the decision to end a marriage, the proposals do the very opposite.

Marriage remains defined in law as a lifelong union. Yet, under the government's plans, divorce would become a simple administrative process, which can be unilaterally sought, without being open to contest, and without providing any reason, save giving notice to the court that (in the view of the petitioner) the marriage has irretrievably broken down. Such a lethal cocktail would eat the heart out of the very meaning of marriage.

Notes

1. C4M, 12 September 2018.
2. C4M, 22 November 2017.
3. C4M, 17 November 2017.
4. *Daily Telegraph*, 11 September 2018.

• **Ministry of Justice, Reducing family conflict: Reform of the legal requirements for divorce, September 2018.**

<https://tinyurl.com/y9ykh3jm>

Please respond to the government consultation on Relationships Education (RelEd), Relationships and Sex Education (RSE), and Health Education in England

But wasn't there a consultation on this earlier in the year?

Yes, from 19 December 2017-12 February 2018, the Department for Education issued a call for evidence to inform its formulation of regulations and statutory guidance for RelEd and RSE. At that point, the DfE was also considering whether to make Personal, Social, Health and Economic Education (PSHE) mandatory in all schools.

So what is the present consultation about?

Following the consultation earlier in the year, the government has published draft regulations, draft statutory guidance for RelEd and RSE and a regulatory impact assessment. It is now inviting comments on these documents before they are finalised and take effect from September 2020.

How many consultation questions are there?

There are 23 consultation questions altogether. Most of the questions relate to the statutory guidance, but there are also a few questions in relation to the draft regulations and regulatory impact assess-

ment. You may respond to as many or as few questions as you wish. In offering suggestions as to how you may wish to respond we have focussed on a selection of questions about the draft statutory guidance.

When does the consultation close?

The consultation commenced on 19 July and closes on **7 November 2018**.

How can I access the consultation documents and respond?

The consultation paper, together with the draft regulations, statutory guidance and regulatory impact assessment may be accessed via the following link:

<https://tinyurl.com/yah94p7b>

In the following pages, we offer a few suggestions as to points you may wish to make when responding to a selected number of questions. But we would encourage you to read the relevant sections of the statutory guidance yourself, and, when responding, *please use your own words*.

Key changes to note in the draft regulations and statutory guidance

The government intends to bring the following changes into effect from September 2020:

- All primary schools will be required to provide Relationships Education for all registered pupils. Parents will not have the right to withdraw their children from Relationships Education.
- All secondary schools will be required to provide Relationships and Sex Education and Health Education
- Under the government's proposals, parents will no longer have an automatic legal right to withdraw their children from sex education in secondary schools. Instead they will have a *right to request* their child be withdrawn from sex education delivered as part of RSE.
- When a school receives a parental 'request to withdraw', it is considered good practice for the headteacher to discuss the request with the parent and, as appropriate, with the child. The draft guidance states that: 'Once these discussions have taken place, except in exceptional circumstances, the school should respect the parents' request to withdraw the child.'
- The draft guidance goes on to stipulate that three terms before the child's 16th birthday, the child may override his or her parent's wishes and opt to receive sex education.
- The draft guidance recommends that sexual orientation, gender identity and 'the features of stable and healthy same-sex relationships' should be 'integrated appropriately into the RSE programme, rather than addressed separately or in only one lesson'.

Responding to the consultation questions

10. Do you agree that the content of Relationships Education in paragraphs 50-57 of the guidance is age-appropriate for primary school pupils?

- As the terms used in this section are vague and undefined, it is difficult to agree or disagree as to whether the content is age-appropriate.
- A common understanding of terms such as 'positive relationships', 'friendships', 'family relationships' and 'relationships with other peers and adults' can no longer be assumed. These may or may not be suitable topics for classroom discussion in a primary school depending on the meaning attached to them.
- The ambiguity of the language gives rise to concern that sensitive and contentious issues could be raised. It is therefore important that parents should be given the right to withdraw their children from Relationships Education lessons.
- Marriage is reduced to merely one 'type' of stable, caring relationship, when the research evidence overwhelmingly demonstrates that it is far more stable than any other structure and is associated with positive outcomes for parents and children alike.
- Marriage is referred to only once in this section, where it is bracketed with civil partnerships, as though the two are equivalent. But while marriage is defined as a lifelong union, a civil partnership does not entail a lifelong commitment.
- The guidance should explicitly state that it is not age-appropriate to teach primary school pupils about LGBT issues and relationships, pornography, contraception, and sexually transmitted infections, nor to raise the subjects of physical and sexual abuse.

11. Do you agree that the content of Relationships Education as set out in paragraphs 50-57 of the guidance will provide primary school pupils with sufficient knowledge to help them have positive relationships?

There are a number of significant omissions in this section. Topics which could be usefully explored include:

- Relationships with parents
- The difference between mothers and fathers
- The importance of brothers and sisters
- The importance of the extended family
- The importance of marriage.

You may wish to select one or more of these examples and reflect on things that it would be helpful to highlight with primary school-aged children.

12. Do you agree that paragraphs 61-64 clearly set out the requirements on primary schools who choose to teach sex education?

The clear statement that: 'Sex education is not compulsory in primary schools' is very welcome, as is the insistence that where primary schools choose to teach aspects of sex education they must consult with parents and allow parents the right to withdraw their children.

You may wish to suggest that the guidance could be strengthened in one or more of the following ways:

- Parents should not only be consulted on *what* is covered in sex education, but also on *how* it is to be covered and *who* is to deliver it (i.e. whether school staff or an external organisation)
- At the beginning of each academic year, schools should be required to notify parents of what they propose to teach in RSE for their child's year group and parents should be given an opportunity to view the materials.
- Primary schools which choose to offer sex education must publish their policy on the school website and make printed copies available upon request.

13. Do you agree that the content of RSE in paragraphs 65-77 of the guidance is age-appropriate for secondary school pupils?

Many of the same observations made in response to Q10 apply. References to developing sexual relationships 'at the appropriate time', 'non-judgemental' teaching, and LGBT issues may suggest a curriculum content that is not age-appropriate.

14. Do you agree that the content of RSE as set out in paragraphs 65-77 of the guidance will provide secondary school pupils with sufficient knowledge to help them have positive relationships?

This section of the guidance covers some very complex and highly contentious territory, and yet it is presented as though there will be common ground on all the issues touched upon. A number of terms are used which are capable of broad interpretation. It begs a number of questions, such as:

- What does a 'healthy relationship' look like?

- What is 'acceptable and unacceptable behaviour in relationships'?
- Which understanding of 'human sexuality' should be taught?
- The draft guidance states that young people should understand 'the reasons for delaying sexual activity'. But delay until when? And why?
- When is 'the appropriate time' to 'develop safe, fulfilling and healthy sexual relationships'?
- What does it mean to convey knowledge about safer sex and sexual health 'in a non-judgemental way'? Does this mean that nothing is to be considered off-limits and that there are no moral absolutes in the realm of sexual behaviour? Where are the boundaries?
- What are 'healthy same-sex relationships'?

The draft guidance states that, while LGBT themes 'should be integrated appropriately into the RSE programme', faith and other perspectives on sexual orientation may be better explored 'in other subjects such as Religious Education'. Does this suggest that LGBT interests should take precedence over religious and philosophical concerns?

On sexual health, the draft guidance states that pupils should be taught how the risk of STIs 'can be reduced through safer sex (including through condom use) and the importance of and facts about testing'. However, there is no mention of the fact that the surest way of avoiding STIs is to confine sexual intimacy to a lifelong, mutually faithful relationship with an uninfected partner. You may wish to suggest that this important fact should be included.

What 'pupils should know'

You may wish to suggest some specific matters that 'pupils should know' about intimate and sexual relationships, including sexual health, such as:

- the distinction between lust and love;
- the nature of true love, involving commitment, faithfulness, perseverance and forgiveness;
- sexual intimacy is intended to serve as an expression of love and self-giving, and should therefore always be considered and referred to with modesty, respect and restraint;
- the importance of marriage between a husband and wife for the nurture of children, and the richness of the complementarity of care provided by a father and mother;
- marriage is associated with a much greater degree of stability than cohabitation and other living arrangements;
- the positive reasons for saving sexual intimacy for marriage.

15. Do you agree that paragraphs 36-46 on the right to withdraw provide sufficient clarity and advice to schools in order for them to meet the legal requirements?

You may wish to give your views on the government's plan to downgrade the statutory right of parents to withdraw their children from secondary school sex education to a 'right to request that their child be withdrawn'. Such a change would significantly undermine parents.

Even where such a request is granted, from three terms before the child turns 16, he or she may overrule the parent's request. You may wish to argue that parents should retain the right to withdraw their children from sex education lessons for as long as they bear the legal responsibility for their children's education. Education law states that pupils should be educated in accordance with the wishes of their parents, and that due respect should be paid to parents' religious and philosophical convictions.

20. Do you agree with the approach outlined in paragraphs 36-46 on how schools should engage with parents on the subjects?

The recognition that parents have a vital role in the development of their children's understanding about relationships and that parents have the most significant influence in enabling their children to grow and mature and to form healthy relationships is very welcome.

The draft guidance also insists that all schools should work closely with parents when planning and delivering Relationships Education and RSE. This, too, is welcome.

You may wish to suggest that the guidance should be strengthened in the ways outlined in the response to Question 12 above.

You may also wish to reiterate your concern about the erosion of the parental right of withdrawal from sex education (see Question 15 above) and suggest that the draft guidance adds one or more of the following points:

- the present automatic right of withdrawal should be retained, with no conditions attached and no 'exceptional circumstances' in which the wishes of parents may be overridden;
- while it is not unreasonable for a headteacher to offer to meet with the parents to discuss their concerns, parents should not be placed under any pressure to change their minds;
- parents should retain the right to withdraw their children from RSE lessons for

as long as they bear the legal responsibility for their children's education.

21. Paragraphs 108-109 in the guidance describe the flexibility that schools would have to determine how they teach the content of their Relationships Education/RSE/Health Education. Do you agree with the outlined approach?

If schools are to engage in meaningful consultation with parents, it is vital that curriculum content is not tightly prescribed. Schools must be left free to respond to parental concerns and sensitivities without being constrained by detailed curriculum requirements.

You may wish to stress the importance of faith schools being free to teach according to the tenets of their faith, and for all members of the school community (staff, pupils, parents, and governors) who hold to a faith position, *whether in a faith school or not*, to have the freedom to express their views without fear of disciplinary action.

24. Do you have any further views on the draft statutory guidance that you would like to share with the department? Do you think that the expectations of schools are clear?

This question may be used to reiterate points made in response to other questions and/or to raise other issues and concerns not covered in responses to other questions.

28. We are required to set out in the regulations the circumstances in which a pupil (or a pupil below a specified age) is to be excused from receiving RSE or specified elements of it. The draft regulations provide that parents have a right to request that their child be withdrawn from sex education in RSE and that this request should be granted unless, or to the extent that the headteacher considers that it should not be.

Taking into account the advice to schools on how headteachers should take this decision, in paragraphs 41-46 of the guidance, do you agree that this is an appropriate and workable option?

You may wish to repeat some of the points made in response to Questions 15 and 20.

It is not the role of the headteacher to sit in judgment on a parent's wish to withdraw a child from sex education lessons.

The negative impact of inheritance tax on the family

An extract from the Family Education Trust's submission to the Office of Tax Simplification Inheritance Tax Review: Call for evidence. The submission was prepared by a qualified accountant and tax adviser who in her professional capacity regularly advises clients on inheritance tax (IHT) planning and assists with IHT compliance matters.

The current inheritance tax system fails to take account of family relationships which do not involve lineal descendants or spouses or civil partners. For example, it was held that no additional IHT relief was available for the transfer of the family home between sisters in the well-publicised case of the Burden sisters in 2008. In addition, the system takes no account of the situation where a parent lives with an adult child who predeceases them, or where a nephew or niece inherits from an aunt or uncle. In these circumstances, there is no additional exemption or residence nil rate band available to mitigate the IHT liability if the home is left to the surviving relative.

This can result in a relative of the deceased having to sell their home of many years in order to pay the IHT liability. Abolishing IHT altogether would eliminate the need to have complex provisions which discriminate between various classes of relatives and put some at a distinct disadvantage compared with others.

Payment deadlines

The six month payment deadline is extremely short, given that it comes at a time of personal grief for those dealing with the estate and places significant pressure on nonprofessional executors or personal representatives to value assets and identify gifts made in the seven years prior to the date of death (for which information may not be readily available) in order to be able to calculate the tax.

The IHT return submission deadline, while longer, can also cause difficulties for friends or family members who are dealing with an estate and who have no experience of dealing with complex tax forms. It can take a significant amount of time for the layperson to understand what is required of them and/or to appoint a suitable professional adviser to assist. It should also be noted that not all small, local firms of accountants have sufficient knowledge in this area to feel confident assisting with IHT forms and this can mean that the executor's first point of call is unable to provide the support that they need. Obtaining a referral to a legal or accountancy firm with specialist knowledge in this area can take additional time and create further difficulties in meeting the deadline.

A further area in which the 12 month deadline can be problematic is with regard to share loss relief, which only applies if shares are sold at a loss within 12 months of the date of death. If the executor has not been able to obtain probate within this timescale (a process which may be delayed by difficulties in establishing the IHT position), they are unlikely to be able to sell shares held in the estate in order to benefit from the relief.

Abolishing IHT altogether is the only means of fully eliminating these difficulties and would significantly reduce the financial and administrative burden on family members or close friends who are acting in a personal capacity as executors and personal representatives.

The family: a provider of welfare and support

Repealing IHT would eliminate such complexity and leave individuals free to choose who should benefit from their estate, whether that be charities, friends, family members or other causes.

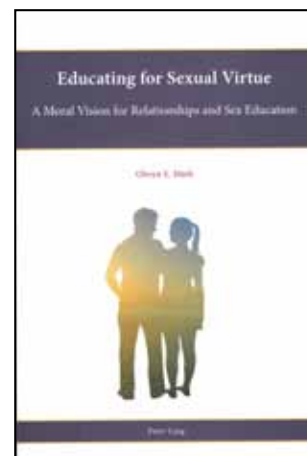
It is also essential that the family is not overlooked as a means of providing welfare and support in society. Abolishing IHT would encourage families to save more freely for future generations and there is the potential for this to reduce reliance on the welfare system, for example, by enabling families to purchase their own homes without relying on government funded schemes. Encouraging charitable legacies is not necessarily desirable in every situation, particularly where this would divert resources away from needy family members.

• Family Education Trust plans to undertake further work on the impact of inheritance tax on the family. If your family has been adversely affected by this tax, please let us know. Your details will be treated in the strictest confidence.

Educating for Sexual Virtue: A Moral Vision for Relationships and Sex Education

Olwyn E Mark, Peter Lang, 2018,
pb, xii + 238pp, £42.50, ISBN 9781787071285

This title is the culmination of 10 years of careful study and research. Dr Olwyn Mark of Love for Life in Northern Ireland observes how, in spite of concerns to protect children and young people from undue sexual pressure and targeted sexual exploitation, the culture has progressively affirmed the right of young people to make their own 'informed choices'. The result has been the creation of a climate of moral ambiguity and confusion in which young people have been left morally adrift, without the moral and spiritual resources they need.



Against this background, Dr Mark calls for an urgent re-engagement with the moral vision shaping our approach to moral education and our understanding of sex and relationships. The book is divided into three parts. Parts 1 and 2 demonstrate the incoherence and inadequacy of the moral framework driving the current policy agenda in the area of Relationships and Sex Education (RSE). Part 3 then proceeds to demonstrate the value of virtue in RSE.

We have moved a long way since the Board of Education issued its first policy document on sex education in schools and youth organisations in 1943. According to the official advice, sex education was to be 'directed to the understanding and control of sexual impulse and emotion, leading on to the establishment of mutual understanding and respect between the sexes, and, as young manhood and womanhood is approached, to an adequate preparation for marriage'. Two decades later, the Ministry of Education published the Newsom Report, which similarly affirmed: 'For our part we are agreed that boys and girls should be offered firm guidance on sexual morality based on chastity before marriage and fidelity within it.'

Self-scripted morality

Over the past 50 years, RSE policy has been increasingly shaped by emerging sexual and moral norms. The term 'moral framework' is still used, but is now an abstract concept without content. As Dr Mark notes, the shifting moral narrative in RSE discourse has more and more placed the onus on the young person to make his or her own 'informed' decisions according to a self-scripted morality. Simon Blake and Gill Francis, two leading sex education campaigners, have argued that we need to take a 'leap of faith' in believing that young people will be enabled to make informed decisions according to their own moral code.

Dr Mark demonstrates that moral neutrality in RSE is impossible and that philosophical discourse is a necessary

and inevitable part of policy formulation. As Robert Leach has observed, public policy 'proceeds on the basis of ideological assumptions, even though these may not be clearly articulated, or even consciously recognised'. The liberal ideal maximises knowledge and freedom. Young people are then left to 'clarify' their own moral values, with the upshot that the *telos* of education has become the promotion of personal autonomy. But as Paul Vitz has written: 'Very simply put, the contradictions and incoherence of values clarification demonstrates that it is a simpleminded intellectually incompetent system.'

Radical culture shift

For a number of years, sexual health policy has placed a premium on securing sexual freedom over and above the costs to sexual health. Dr Mark argues, however, that what is needed is a moral vision of public health that is not so much informed by falling conception and sexually transmitted infection rates, but by an increase in committed monogamous relationships, ideally marriage, and by the number of children growing up with both parents, thus increasing their wellbeing and life chances. She notes that this will require a radical culture shift in how sexual and relational wellbeing and flourishing is not only measured but understood.

Dr Mark holds that there is something inherently moral about sex and contends that there is a danger that rich philosophical and theological insights around sexuality are dismissed solely on the basis that they are perceived to be negative and restrictive. RSE policy has separated sex from both procreation and marriage. This, in turn, has dissolved the link between sex and love – at least in terms of a sexual love that is permanent and exclusive.

According to the Department of Health, consent is the moral prerequisite for any sexual contact. Dr Mark observes that the intellectual roots of moral judgments become increasingly difficult to justify as

principles and laws are informed by the current norms in society rather than by an objective understanding of the intrinsic moral quality of sexual acts. She argues that the call for an inclusive RSE which raises knowledge and awareness of the plurality of sexualities in society does little to sharpen our social and moral consciousness. While the reclassification of some sexual practices which are currently regarded as immoral and therefore illegal is not inevitable, it is logically possible.

In the concluding section of the book, Dr Mark shows how a theological virtue ethic can enrich moral discourse around RSE. She argues that education for sexual virtue cannot be detached from education for the whole of life; rather it should be understood within the larger moral framework of character education. Following a discussion of the character of *agape*, *eros* and *philia*, highlighting both their distinctiveness and relatedness, Dr Mark reasons that in the face of a culture overtly focussed on *eros*, a Christian contribution to RSE discourse would introduce an understanding of the multi-layered facets of the different types of love.

Moral vacuum

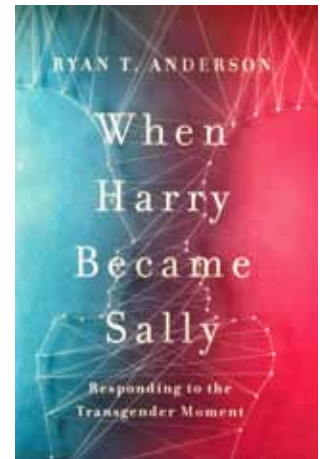
Educating for Sexual Virtue exposes the moral vacuum at the heart of government policy on RSE. Dr Mark makes a persuasive case for a coherent moral vision in which choices around sex and relationships are inspired and not merely 'informed'. She writes:

'[I]n the face of the incoherent and inadequate vision of moral education and human flourishing that is currently evident in SRE discourse, a virtue ethic approach to moral education and future RSE will articulate the qualities of character that are praiseworthy, admirable and desirable, that contribute both to the good of community and to what human beings are designed for.'

• **Copies of *Educating for Sexual Virtue* are available at the special price of £30.00 inc p&p while stocks last.**

When Harry Became Sally: Responding to the Transgender Moment

Ryan T Anderson, Encounter Books, 2018,
hb, 251pp, US\$27.99, ISBN 9781594039614



The view that social and medical ‘transition’ is the appropriate treatment for people, including children, who feel at odds with their biological sex is rapidly becoming a mainstream view. Those who fail to accept and support a ‘transgender identity’ are commonly dismissed as ‘bigots’. A postmodern worldview is transforming medicine from a profession that restores health into a set of techniques to provide customers with what they desire, while political and cultural elites are attempting to shut down all discussion and impose a politically correct orthodoxy on everyone.

In this well-written and incisive critique of the ‘transgender moment’, Ryan Anderson considers some vital questions: Is sex merely ‘assigned’? Can modern medicine ‘reassign’ it? What is the most loving and helpful response to gender dysphoria? He describes this title as ‘an effort to provide a nuanced view of our sexual embodiment, a balanced approach to policy issues involving transgender identity and gender more broadly, and a sober and honest survey of the human costs of getting human nature wrong’.

Anderson observes that the emergence and advance of sex reassignment surgery has not been driven by new scientific evidence but by ideology. On the basis of scientific data he contends that: the best biology, psychology and philosophy all support an understanding of sex as a bodily reality. As Dr Paul McHugh, professor of psychiatry and behavioural sciences at the Johns Hopkins University School of Medicine, has written: ‘We have wasted scientific and technical resources and damaged our professional credibility by collaborating with madness rather than trying to study, cure and ultimately prevent it.’

Contradictions

Far from being a stable and coherent set of beliefs, the transgender ideology changes with political expediency. In Anderson’s words: ‘What is lacking in logical coherence is more than compensated by the uncompromising zeal of its advocates.’ He asks some probing questions to expose the contradictory nature of transgender thinking, such as:

‘Why do our feelings determine reality on the question of sex, but on little else? Our feelings don’t determine our age or our height... What about people who identify as animals, or able-bodied people who identify as disabled? Do all of these self-professed identities determine reality? If not, why not?... And should these people receive medical treatment to transform their bodies to accord with their minds? Why accept transgender “reality”, but

not trans-racial, trans-species, and trans-abled reality?’

In a particularly striking chapter, Anderson allows ‘detransitioners’ – the victims of the trans activists – to speak for themselves. One after another, they testify to the damaging consequences of transitioning. A woman by the name of ‘Crash’, who had been living as a man writes:

‘[M]any of us found that transitioning made our dysphoria worse instead of improving it. Many of us found some relief through changing our bodies, but found even greater peace and happiness coming to accept our bodies as female... [C]hanging my body did not get at my root problems, it only obscured them further... Learning to accept the body and fully inhabit it is an effective way to treat many people’s dysphoria.’

Just as ‘sex reassignment’ fails to reassign sex biologically, it also fails to bring wholeness psychologically.

Anderson expresses concern about the welfare of children who are treated with puberty blockers, given the lack of rigorous scientific scrutiny. He describes it as a giant experiment that does not come close to the ethical standards demanded in other areas of medicine. Activists claim that suppressing puberty allows children ‘more time to explore their sexual identity without the distress of developing secondary sex characteristics. However, as the authors of a study on puberty suppression published in the Spring 2017 edition of *The New Atlantis* observe, this is a strange argument since it ‘presumes that natural sex characteristics interfere with the “exploration” of gender identity, when one would expect that the development of natural sex characteristics might contribute to the natural consolidation of one’s gender identity’.

Orwellian language

In several US states, doctors are permitted to help a young boy socially and

hormonally transition into a ‘girl’, but are not free to help a young boy identify with and accept his body. Ryan Anderson comments that: ‘It’s an Orwellian abuse of language to say that helping a child to be comfortable in his own body is “conversion therapy”, but transforming a boy into a “girl” is simply allowing the child to be “her” true self.’

Anderson argues that an effective cultural response to transgender ideology entails recovering a sound cultural understanding of gender and sexual differences. The concept of gender fluidity must be rejected, as must overly rigid stereotypes that might lead a boy to think he should be a girl because he is sensitive and artistic, or for a girl to think she might really be a boy because she prefers sports over dolls. While we must be tolerant and loving towards those who struggle with gender identity, we must also recognise the harm done to the common good, and especially to children, when transgender identity is normalised.

Strategy

In the final chapter, ‘Policy in the Common Interest’, Anderson cites several negative consequences that flow from transgender ideology: girls and women are at greater risk of being exposed to male predators in changing facilities; and women can end up competing against biological males in women’s sporting events, to take just two examples.

While Anderson suggests that the ‘transgender moment’ may turn out to be fleeting, we cannot expect it to fade away on its own; we need to insist on telling the truth and on preventing lives from being irreparably damaged. He therefore outlines a strategy for fighting back politically and culturally, and for offering healthier ways of dealing with gender dysphoria. Clinicians, medical experts, doctors, therapists, scholars, religious leaders, lawyers, politicians – everyone, in fact – can play a part in bearing witness to the truth and ministering compassionately to people in pain.

Jacob Rees-Mogg on the 'inherent tension between the family and the state'

"The fact is that there is an inherent tension between the family and the state. Those who favour the collective know that its most powerful opponent is the family, which will guard its interests against the authoritarian centre..."



"[T]he ever-mighty state wants control – and the easiest way to get this is by not supporting the family. That way it creates more dependence and therefore a greater ability to interfere in people's lives. This is not from evil intent but because of a conviction that the collective knows best..."

"[W]hat is needed is for ministers to bear in mind the effect on families of policies ranging from taxation, welfare benefits, housing and health to education. Of course, it is not the role of government to tell people how to live – it is simply about removing obstacles for people in the choices they want to make. It is an ineluctable truth that society benefits from strong families – even if it reduces the power of the state. What's more, individuals are happier and loneliness is reduced."

• Jacob Rees-Mogg, 'It's time the mighty State put the British family first', *Daily Mail*, 28 September 2018.

AGM & conference 2019

The 2019 Annual General Meeting and conference will take place at the Royal Air Force Club in central London on **Saturday 15 June 2019**. Please note the date in your diary and plan to join us if you are able. Further details will be provided in future issues of the bulletin.

Video recordings from the 2018 conference, together with recordings from earlier events are now available online on our YouTube channel at www.youtube.com/user/familyeducationtrust

- Dr Patrick Fagan – Lessons on family policy we can learn from the United States
- Dr Olwyn Mark – Statutory RSE: Exploring the moral complexities

Quotable quotes

On no-fault divorce

Removing the concept of blame from divorce releases people from taking responsibility for the vows they made — till death do us part — and means that effectively we would have divorce on demand. It weakens the institution of marriage by saying it can be ended whenever you want, for whatever reason you want. Nobody at fault, nobody to blame, just one of those things, really — never mind about the kids.

Rod Liddle, 'In defence of marriage', *Spectator*, 29.09.18.

On gender identity

When lesbians are accused of bigotry because they prefer women who don't have male equipment, you have to wonder how long the 'L' and the 'T' can be held together in LGBT advocacy.

Ryan T Anderson, *When Harry Became Sally*, p.210.

On abortion

Elizabeth Cady Stanton, suffragette and abolitionist: *When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.*

Victoria Woodhall, the first woman to run for the US presidency: *Every woman knows that if she were free, she would never bear an unwished-for child, nor think of murdering one before its birth.*

Elizabeth Blackwell, the first woman to receive a medical degree, called abortion *the gross perversion and destruction of motherhood* and said that it *filled me with indignation and awakened active antagonism.*

Ashley McGuire, *Sex Scandal*, p.127.

On the goal of the homosexual movement

The goal of the homosexual movement is to fight for same-sex marriage and its benefits, and then, once this is achieved, to completely redefine the institution of marriage, not to demand the right to marriage as a way to bind ourselves to society's morals, but to debunk a myth and to turn an age-old institution on its head... The subversive act that gays and lesbians are undertaking...is the idea of completely changing the family. - Michaelangelo Signorile, homosexual activist.

Gabriele Kuby, *The Global Sexual Revolution*, p.174f.

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