

## Divorce Bill cheapens marriage by allowing unilateral divorce on demand without giving a reason

The government's proposals for divorce law reform 'will allow one party to walk away from the most important commitment they are likely to have made in their lifetime, without giving any reason at all and without their spouse being able meaningfully to object to their decision to do so', according to Conservative MP, Fiona Bruce.

Speaking during the Second Reading debate on the Divorce, Dissolution and Separation Bill on 25 June, Mrs Bruce expressed concern that the plans to legislate for no-fault divorce would send out the message that marriage is 'a time-limited arrangement that can be ended at will', rather than a lifelong commitment.

Observing that, 'The Bill simply says that a court must make a divorce order merely on the bald statement by one party that a marriage has broken down irretrievably,' she reasoned that: '[I]f marriage can be seen as so easily exited, more and more young people will think, "Why bother entering into it at all?" Marriage rates may well, and likely will, further decline.'

### Minimising conflict?

Speaking in support of the Bill, the Justice Secretary David Gauke stated that the purpose of the legislation was 'to ensure that, in those unfortunate circumstances where a marriage comes to an end, it comes to an end in a way that minimises the conflict between the parties'. The explanatory notes to the Bill state:

*'The Government's policy intention behind the reformed law is that the decision to divorce should be a considered one,*

*and that separating couples should not be put through legal requirements which do not serve their or the state's interests and which can lead to ongoing conflict and poorer outcomes for children.'*

However, Mrs Bruce argued that the measures contained in the Bill would make divorce 'not a more considered decision but a less considered one, with no reason needing to be explained. It will do nothing to reduce the ongoing conflict that arises from financial disputes. It will increase divorce rates and reduce marriage rates.'

*'If marriage can be seen as so easily exited, more and more young people will think, "Why bother entering into it at all?"'*

She claimed that the Bill 'not only makes it easier to leave a marriage, but fails to take the opportunity properly to promote reconciliation where that may be possible.' With around 10,000 divorces being started each year only to be dropped subsequently, Mrs Bruce was concerned that the introduction of 'unilateral divorce on demand simply by serving a notice on the other person that the marriage has broken down, without having to give any reason at all and without the spouse being able to contest [it]' would 'inhibit the dialogue that could promote reconciliation in some cases'.

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### Public consultation response ignored – 'laughable' and 'deeply worrying'

In the course of her speech in the House of Commons on the Divorce, Dissolution and Separation Bill, Fiona Bruce highlighted the government's failure to take note of the results from its public consultation on divorce law reform. She stated:

*'It is especially concerning that the Government are ignoring the result of their own public consultation on the matter. Of those who responded, 80% did not agree with the proposal to replace the five current grounds for divorce with a six-month notification process; a mere 17% were in favour of the proposals in the Bill. No less than 83% wanted the Government to retain the individual's right to contest a divorce; only 15% said that that right should be removed.'*

*'What reason did the Government give for ignoring those responses? It was that the respondents who objected to the proposals did so as a result of a campaign to raise public awareness about the proposals. That is laughable—not just laughable, but deeply worrying. Why should the public bother responding to consultations if they are ignored in this way? Are we in this place not already being ridiculed for ignoring the public's view on another grave matter?'*

### 'Reflecting on the experience'

In response to a Parliamentary Question asking what steps were being taken to consider the views of the public before proposing changes to divorce laws, the then Justice Minister Lucy Frazer had neatly sidestepped the thorny issue of the consultation results. She chose instead to refer to a YouGov poll published on the same day as the government's response to the consultation which indicated 73 per cent support for the proposals. In her brief reference to the consultation responses, she preferred not to mention percentages. Instead she simply remarked:

*'We held a full public consultation last year to test our detailed proposals. We have reflected on the experience and insight that people brought from all perspectives.'*



Fiona Bruce MP

## Divorce Bill cheapens marriage

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She rejected the government's claim that the Bill would reduce conflict between spouses:

*'The tragedy is that the premise on which the Bill is founded—reducing conflict—is a false one. Solicitors specialising in family law tell me that no-fault divorce is no silver bullet to reduce family conflict and acrimony. They say the real source of contention between spouses and ex-spouses is finance and the division of assets. The Bill will do nothing to change that. Indeed, the Government are missing an opportunity in the Bill to tackle some grave injustices in that regard, while creating others.'*

## World leader in family breakdown

According to the recent Centre for Social Justice report *Why Family Matters*, 'Britain is fast becoming a world leader in family breakdown.' In the UK only around two-thirds of all our children are in intact families by the age of 15, compared with 95 per cent in Finland and an OECD average of 84 per cent. With such high rates of family breakdown, with all their negative social consequences, the last thing we need is legislation which facilitates unilateral divorce and undermines the lifelong commitment which lies at the heart of the meaning of marriage.

## Children's mental health issues, the 'thinking chair' and abortion campaigns: news from Northern Ireland

**Towards the end of 2018, I was invited to the BBC studio to join a panel discussion on figures indicating that some 10,000 children in Northern Ireland are classed as having mental health issues.** This seemed a very high number and I wondered how the term was being defined. However, I purposefully treated the discussion as 'conversational' rather than 'confrontational', conscious that some parents are already tortured by thoughts of 'Where did we go wrong?'

I pointed out that a supportive and loving family structure is best for preparing children for adulthood – a family where parents do not overly focus on the ups, and more particularly the downs, of everyday life and unintentionally allow a minor anxiety to take root and grow into a full-blown mental disturbance. This is a very delicate subject; there are indeed many instances of poor mental health, but we need to guard against placing such a classification on an otherwise fairly common but transitory anxiety in children.

Just a few days ago I listened to one of our morning radio shows where the Children's Commissioner for Northern Ireland once again patronised the entire



province, telling us it's time we caught up with the law in Scotland and Wales. According to our Commissioner, all the research showed that children who had been smacked had 'possibly poorer outcomes in life', and that we are all in dire need of adopting 'positive parenting techniques', which, along with a great variety of other methods, includes placing the child on a 'thinking chair'. No doubt this is to train young minds to reflect on their behaviour. In my experience, the youngster will spend this time counting the patterns on the carpet and wondering what's for tea. Our Commissioner seems to have difficulty in acknowledging the distinction between reasonable chastisement and assault.

The next day one of our daily papers, *The Newsletter*, broke the news that 'Big Summer events throughout Ireland are fundraising vehicles for abortion campaigns'. The paper explained that tens of thousands of concert-goers have no alternative but to buy beer from the sole supplier, named as The Workers' Beer Company, and disclosed that its bars were staffed by activists from Alliance for Choice and The Abortion Rights Campaign. A spokeswoman declared, 'If people decide to boycott us, then that's their choice.' However, as the newspaper pointed out, no meaningful boycott is possible, since there are no other bars to buy from. I will try to use this to make the Alliance for Choice squirm the next time they insist that 'the right to choose' is paramount!

The result of the May 2018 Irish referendum on abortion which removed safeguards for the unborn child was greeted by whooping and gleeful cheering. I wonder if the smiles and chants extend to the parents of the much-wanted Irish baby misdiagnosed as having a fatal fetal abnormality, aborted at 15 weeks gestation and then found to be perfectly healthy. This abortion would not have been a medical option prior to last year's legislation and prompted a London Catholic church deacon to comment, 'Expectant parents are very vulnerable to the advice of medical experts, who often present their tests for genetic conditions as infallible.'

## The consequences of viewing marriage as an individualistic arrangement

*'We now have an extremely individualistic view of marriage. We regard it almost entirely as a vehicle for personal happiness, rather than as something that might be linked to the wider good. Therefore, if either spouse is no longer happy, then it is fine to pull down the whole enterprise no matter what the other spouse thinks and regardless of the effects on any children they may have, never mind the effect on society as a whole of widespread marital breakdown.'*

*'But if marriage is essentially a private, individualistic arrangement, then why should society give it any special support at all? Why give it strong legal rights and entitlements? Why give it powerful social recognition? Why confer tax advantages on it? The old answer was, of course, children. Society had a vital interest in encouraging couples to marry before having children, and then staying married for their sakes. It offered them support in return, and made marriage harder to leave than cohabitation.'*

*'Now we have discarded that answer. We now see marriage primarily as a vehicle for personal fulfilment with no wider purpose. We can't offer a coherent reason anymore why marriage should be treated differently to cohabitation. In fact, cohabittees now have some marriage-like rights once they have been together for a few years. In the event of a break-up, there must be a maintenance and property settlement, just like when a married couple divorce. This is despite the fact that many couples 'live together' expressly to avoid the legal entanglements of marriage.'*

*'In other words, there is already a strong trend at work in Irish policy to erode the differences between marriage and cohabitation. If we eventually reduce the waiting period before you can divorce to one year, or six months, or less, we will have taken another giant step down that road. Eventually, we will have turned marriage into cohabitation by another name.'*

• Extracted from David Quinn, 'Quick divorce makes a mockery of marriage', *Sunday Times*. 5 May 2019.

Mary Russell

# Gender identity and the welfare of children

Dr Trevor Stammers

As a former clinician myself, I want to start with an important distinction drawn by Melissa Migden a clinician at the Tavistock Clinic Gender Identity Development Service (GIDS). She points out there is a difference between being *transphobic* – that is, exhibiting personal hostility or antipathy towards people who identify as trans, and being *gender critical* – that is, not subscribing to the affirmative model which asserts that gender is an entirely self-identified feeling unrelated to biological sex.

There is no justification whatsoever for hostility directed against those who differ from us but there is every justification for allowing for critique of strongly held views, especially when they affect the welfare of children.

- The Tavistock and Portman Trust reported that 2,356 children were referred to GIDS in 2017-18. This represented a 25 per cent rise on the previous year with twice as many girls as boys, and a 300 per cent rise over three years previously. Hundreds of the referred children are under the age of 10 and some as young as 3.
- There is a well-recognised pattern of psychological vulnerability and co-morbidity (other conditions occurring alongside the presenting problem) in children referred to gender identity services, so much so that the authors of a 2017 paper on such co-morbidities concluded that their findings constituted ‘a proof of principle’ that all children referred to such services should have a comprehensive psychological assessment extending well beyond just the gender dysphoria.
- The push towards the prescribing of puberty blockers to children for gender dysphoria should be firmly resisted because it is entirely experimental and not based on sound evidence of therapeutic benefit, almost certainly not irreversible, and probably harmful in a number of ways. The research protocol for a research project undertaken by GIDS stated: ‘It is not clear what the long term effects of early suppression may be on bone development, height, sex organ development, and body shape and their reversibility if treatment is stopped during pubertal development.’
- A group of doctors including one of our own trustees, Dr Julie Maxwell, had a letter published in *Archives of Disease in Childhood* in January this year, outlining an even wider remit of concerns about the use of such drugs and concluding that the use of puberty-blocking treatment for gender dysphoria ‘should be curtailed until we are able to apply the same scientific rigour that is demanded of other medical interventions’.



- Finally we should hold firmly to the fact that it is the truth that sets us free and when any side in an argument systematically resorts to disinformation to further its ends parents should be on their guard, protest, and where necessary, resist exposure of their children to such material.

## Mermaids

The website of the gender dysphoria charity Mermaids, which recently received a £500,000 grant from the National Lottery Community Fund, proclaims its aims as ‘Embrace Empower Educate’. However, the site contains remarkably little factual educational information. Its focus is very much on testimonies and stories about the wonderful work they are doing and it seems much more concerned about engaging young people and worried parents to sign up to its various discussion sites where they can find out more. I tried in vain to find out any medical information about hormone blockers for example and there is no search facility I could see.

The recent recording made by a school governor of what representatives from Mermaids are actually teaching in school however gives cause for concern. They were reported as stating that ‘10 per cent of the population are LGBT’ for example. I can find no data to support a figure anywhere like that in the UK population as a whole. When people need to stretch the truth to convey their beliefs, parental alarm bells should start ringing, especially when the school staff in the recording were told at the end of the session, ‘You are all now honorary mermaids whether you want to be or not.’

Every parent should recommend their child’s headteacher to watch the Swedish documentary, *The Trans Train* (available on YouTube) before they consider inviting Mermaid staff into their school. It is a shocking film but there are times when we need to be shocked out of our complacency about what is happening in our schools, for the sake of our children’s future. We are not all mermaids and in fact the last time I checked mermaids, along with unicorns and centaurs, are all pure fantasy. Our children deserve better.

## Challenging trans ideology in schools and elsewhere

As a paediatrician, parent and school governor I have become increasingly concerned about the agenda around trans ideology, both in schools and in the medical world. As a result I have found myself scarily propelled into this whole arena on a number of fronts.

Last summer an article regarding the medical care of children with gender dysphoria was published in the paediatric journal *Archives of Disease in Childhood*. Together with two colleagues, I wrote a response entitled: ‘Puberty blockers, a momentous step in the dark’ (see Bulletin 173, February 2019). In association with some other doctors (both GPs and psychiatrists) we are now seeking to enter into dialogue with the Royal Colleges and the General Medical Council.

A group of concerned individuals in Hampshire is seeking to challenge the promotion of LGBT issues through the school curriculum. Hampshire County Council has produced ‘LGBT+ guidance for Hampshire schools and colleges’, It is heavily based on Cornwall’s *Schools transgender guidance* and recommends *No Outsiders*, the resource which has been at the centre of controversy in Birmingham (see Bulletin 174, May 2019). We are also part of a wider Facebook group of mothers and professionals who are appalled by the ideology and sexuality being promoted in schools.

In some parts of the country these grassroots campaigns have been successful in persuading local authorities to agree to reviewing the guidance.

An exhibition at the South Bank Centre called ‘Kiss my Genders’ has also aroused concern. The publicity describes it as ‘a group exhibition celebrating more than 30 international artists whose work explores and engages with gender identity’. It has also hosted a training session for school teachers to explore ways of talking about gender with children and special events for 13-17 year olds.

In connection with my work for Love-wise, I have run into issues with the second edition of *Valuing All God’s Children*, the guidance for Church of England schools on challenging homophobic, biphobic and transphobic bullying. This document has been used to get Lovewise lessons cancelled in a CofE primary school, primarily because of the idea that to teach traditional Christian views about marriage and sex and to uphold biological realities in relation to gender ‘gives children and young people a reason to exclude’ those who identify as LGBT and thus fails to provide ‘a safe space for ALL children’. I am now working with others to try challenge the Church of England on this within the Winchester diocese.

Dr Julie Maxwell

## Where is the dividing line between Relationships Education and Relationships and Sex Education?

It's an important question, because while Relationships Education is going to be statutory in all primary schools, Relationships and Sex Education isn't. The decision about whether or not to teach sex education in primary schools rests with the governing body.

However, while parents will continue to have a legal right to withdraw their children from *sex education* where it is provided in primary schools, they will not be able to withdraw their children from *Relationships Education* lessons.

During the House of Lords debate, the Bishop of Durham, Paul Butler, said:

*'I am...glad that sex education will be optional in primary school. However, I am deeply concerned that the same cannot be said of relationships education. Psychologists, ethicists and paediatricians often debate at what age and developmental stage it is appropriate to be exploring early concepts of relationality and sexuality...'*

*'Development is not uniform, and parents should be able to determine what is appropriate for their children, especially during vulnerable ages. Why cannot parents' decision regarding what is appropriate for their children be respected?'*

He went on to say:

*'The lines between relationships and sex education are far more blurred than is recognised, so I ask that great care is taken to monitor that this does not lead to inappropriate sex education being offered at an early age in the name of relationships education.'*

### Subjects 'morphing' into each other

The bishop's concerns were echoed by Lord Hodgson, a member of the Secondary Legislation Scrutiny Committee. He remarked on 'the difficulty people have in distinguishing between relationships education and relationships and sex education' and referred to concerns expressed by many that the two subjects 'will morph into each other'.

So how do the two subjects relate to each other? Where is the line to be drawn between Relationships Education and Relationships and Sex Education? Precisely what kind of teaching will parents be able to withdraw their children from? And what will they not be able to withdraw their children from?

If you find it all a bit confusing, you may be able to derive some small crumb of comfort from knowing that the government doesn't seem terribly clear as to where the line is drawn either. In response to the Bishop of Durham and Lord Hodgson, the schools minister Lord Agnew left it up to schools to decide when Relationships Education becomes Relationships and Sex Education. He said:

*'I cannot offer...a magic wand for how those two things are separated, but we start with the principle that healthy relationships are born out of more than just the sexual element. Schools will be able to determine that, and we are asking schools to make those decisions themselves because these are nuanced subjects.'*

● **Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, House of Lords debate, 24 April 2019.**

## Home education and the threat to parental freedoms

*Home educating mother Eileen Tracy describes why in her experience local authorities are not always trustworthy*



**I had never planned to home educate my children until I attended a talk given by a home educating mother. Both her sons were on the road to Oxbridge, though neither of them had yet taken any exams!** She described having 'not done much' other than to keep engaging with her children - by playing board games with them, sharing in their interests and taking care to answer their questions. I could do that, I thought to myself, and so my venture into home education began.

A couple of years ago, our 11 year-old daughter Lilian was encouraged by a friend to audition for Matilda with the Royal Shakespeare Company in London's West End, and despite having no formal theatrical training, she landed the lead. But this meant acquiring a performing licence from our local authority (LA), and in the process, drawing to their attention that Lilian was home educated. And that's when the trouble started.

After issuing Lilian's performing licence, the LA made a routine enquiry about her home education. By way of evidence, we offered goodwill samples of Lilian's academic work. This should have amply sufficed, as there were no red flags and so we did not have to prove anything. But contrary to government guidelines to this effect, the LA rejected our evidence. Their policy was to meet every home educated child on their list, though they could not admit this, so when interviewed in the press they have called it 'meeting with families'. Failing that, they would only accept one other form of proof: an endorsement by a professional involved in the home education (i.e. a tutor). As it happens my husband and I are both educators but this did not count.

### Suspicion

Many local authorities make up such policies that treat parents with suspicion. Increasingly, government officials are wanting routine access to the family home, under the guise of overseeing educational provision, but really to assert control over parents (who often feel intimidated into compliance).

We argued against our council's policy and resubmitted work samples for them to consider. Without uttering a single specific concern about Lilian, they responded with a school attendance order. We defied the order and made it clear that we were willing to go to court.

Our story drew media attention. Unbeknownst to us, an academic who had once been a neighbour of ours read the press coverage and contacted the LA in an attempt to defend us. An officer at the council called him back the next day - checked first that we were unaware that he was in contact - and then more or less dictated a statement in which our old neighbour uneasily claimed to have been 'observing' our family for years, and vouched for Lilian's education. Even though he protested to them that he hadn't seen Lilian since she was a toddler, they took his testimonial. Thus, the LA avoided legal action and satisfied their own policy: they wrote to us that we had been endorsed by a professional and that they would therefore take no further action in regard to the school attendance order. The name of our mystery endorser was not given in this concluding letter.

(There was one last snag, which a lawyer spotted as it is apparently common among LAs: they did not officially withdraw Lilian's school attendance order... until we pointed out this omission. This means that at any stage they could have resumed action against us without needing to start from the beginning again.)

In the opinion of the council and of the Local Government Ombudsman, to whom we made detailed complaints, we have no case. In our opinion, what we experienced, and are sadly not alone in having suffered, rings alarm bells about how some local authorities handle ethics, apply the law, treat parents and manipulate data.

# Policing the family: The 'new class' and the obsession with early intervention

Dr Stuart Waiton

As a youth worker based in North Lanarkshire, I studied the emergence of New Labour and its policing policy with particular reference to young people. I was struck by the over-regulation of everyday life. Nick Clegg observed that over a period of 10 years New Labour had produced a new law for every day they had been in office.

While the proliferation of new laws made New Labour look authoritative, in reality the opposite is the case. If New Labour had been truly authoritative, it would have effected change through politics and argument. To resort to law reflects a loss of authority because force is required to make people act in the desired manner.

The need to enforce laws, rules and procedures reflects a loss of authority and has led to the rise of a new form of authoritarianism, with an accompanying 'new class' or elite.

In the present social climate, to be normal is often to be considered extreme and to defend common sense and basic rights and freedoms has become revolutionary. For example, to support the freedom of a parent to administer a mild smack to a child's hand has come to be regarded as promoting child abuse.

## 'Expert class'

In the late 1970s, the American sociologist Alvin Gouldner wrote about the emergence of a new 'knowledge class' in a book entitled, *The Future of Intellectuals and the Rise of the New Class*. But the rise of a new 'expert class' taking a central role in politics is seen more clearly in the age of Tony Blair and Bill Clinton in the 1990s.

In his book *The New Authoritarianism*, another American sociologist, Salvatore Babones observes that while liberalism used to be about defending freedoms; today it is about protecting rights. In that context, experts take over. They adjudicate as to who should have rights and what their rights should entail. A society built on rights needs professional authority. So when people appeal to 'children's rights', they are really appealing to the rights of the expert. The expert decides on children's rights. It is only possible to have meaningful rights if you have the capacity to exercise them. But children don't have power, and so their 'rights' are exercised on their behalf by an expert. 'Children's rights' are therefore essentially experts' rights.

## Early intervention

The rise of early intervention in the first three years of a child's life is the most important area of family policy development in the past 20 years. It is argued that since all social problems are potentially associated with the child's earliest years, early intervention is the silver bullet. While parental responsibility is undoubtedly important, it is simply not possi-

ble to hold parents responsible for all social problems. Ironically, the authority of parents has been undermined by the rise of parental 'experts'.

Early intervention philosophy is flawed at several levels. For all its appeal to neuroscience, it lacks a rigorously scientific basis and does not take account of the scientific evidence that questions it. It is also profoundly deterministic. Penelope Leach, for example, argued that:

*'Now there remains no scope for argument. It is a fact that the emotional environment of infancy consisting almost entirely of relationships with the parents or their surrogates, shapes the individual emotionally, psychologically and neurologically, for good or for ill, forever.'*

## Pessimism

The zeal with which early intervention policies are pursued masks an underlying pessimistic sentiment. Historically we believed in the transformative potential of religion, education and literature, but now we are being told that a child's capacity is limited by the adverse childhood experiences he may have suffered during his first three years.

According to the early intervention mindset, parents are the cause of and solution for every social problem, and yet we are also told that parenting is an impossible task – 'the toughest job in the world', as Barack Obama put it. It is therefore argued that parents need professional support and training. Within the space of a single generation we have come to believe that if we have any emotional difficulties, we need expert support.

The sociologist Frank Furedi has remarked that real conservatives, real liberals and real socialists have far more in common with each other than they realise in that they look at human beings as having capacity rather than as victims.

We have moved away from the presumption that we can overcome difficulties ourselves, with the support of family and friends, to the idea that we need professional support to help us with the most minute personal aspects of our lives.



## Parents undermined

Whereas in the 1950s, the *absence* of parents was perceived as a problem, today government policy tends to view the *presence* of parents as problematic. The idea that parenting experts should be there for everybody leads to the presumption that parents cannot cope because they are not experts. But being a parent is about relationships; it is not an area where expertise can be achieved.

In reality, parenting experts have certain beliefs about how to bring up children, but they are rarely honest enough to speak about their beliefs, choosing rather to speak in terms of evidence. If they were to say, for example, that they believe smacking is wrong and then present arguments for their belief, they would lose their expert status. Many of the arguments presented by the parenting experts are otherworldly and not supported by the vast majority of the population. Beneath the surface many of their beliefs about the family are based on fear and loathing. This needs to be exposed.

In the 19<sup>th</sup> Century moral arguments were advanced and mass public campaigns were mounted in support of legal reforms. But now the experts invariably pursue their objectives behind closed doors; they do not engage in mass campaigns because if they were to do so they would lose.

For example, it is argued that smacking must be banned in order to achieve cultural change. The law is used to enforce a change of culture. It is a form of social engineering where the public is treated with contempt. It is a forced conformity.

However, times are changing. There is a reaction to the era of the expert; there is a demand for autonomy in politics; and potentially the space to promote the positive, progressive idea of the autonomy of the family, and expose the dehumanising, interventionist zeal of the modern experts.

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# Marriage and divorce in the liberal imagination

Colin Hart

Marriage can be defined in a number of different ways. The online Oxford English Dictionary defines it as: ‘the legally or formally recognized union of two people as partners in a personal relationship’. Lynne Featherstone, the former Equalities Minister defined it more romantically as ‘a celebration of love [that] should be open to everyone’. Although such a definition doesn’t seem to put any limit on the number of people involved, at least it is positive about marriage. However, according to Julie Bindel, founder of the feminist campaigning group Justice for Women: ‘Marriage is an outmoded institution built on patriarchal inequality that has no place in modern society.’

A summary of the Western legal definition was given by Lord Penzance in the case of *Hyde v Hyde and Woodmansee* over 150 years ago when he defined marriage as ‘the voluntary union for life of one man and one woman, to the exclusion of all others’.

Lord Penzance’s definition embodies four essential components:

- **It is a voluntary union.** Free consent is required. A forced marriage is not a true marriage.
- **It is a union for life.** Marriage is not entered into for a temporary period or a fixed term. Easy divorce laws have undermined this profoundly.
- **It is a union of one man and one woman.** Marriage is monogamous and unions between two men or two women do not constitute a true marriage.
- **It is a union to the exclusion of all others.** Marriage entails a commitment to faithfulness and sexual exclusivity. Easy divorce laws create a whole culture of serial monogamy and hollow out the definition of marriage.

## Marriage in the liberal imagination

A romantic view of marriage and a Marxist-feminist view of marriage have resulted in marriage being widely regarded as a plastic institution.

### *The romantic view*

Marriage has been dumbed down to a mere ‘celebration of love’. The ‘for life’ aspect has been eroded. We are told: ‘If your marriage doesn’t live up to the romantic Hollywood ideal, surely it’s your right – even your duty to yourself – to move on and seek fulfilment elsewhere? Your real soulmate is still out there, waiting to be found.’ But the expectation of living in a perpetual bubble of romantic bliss will always result in dissatisfaction because it collides with reality.

While we still insist that marriage is a *voluntary* union, requiring the consent of each party, the consent argument is now being turned on its head and deployed against life-long marriage. Holding a spouse to his or her vows is now being likened to a forced marriage. So as soon



as someone no longer wants to be married, it is argued that they should be allowed to leave it unilaterally on demand. Under the government’s no-fault divorce plans, public policy is firmly on the side of the party that wants a divorce. There will be no opportunity for a spouse to contest it.

If marriage becomes a relationship that can be terminated at any time by either party, it will be brittle, performance-based, and immature, without any protecting structure. This inevitably brings great insecurity for the parties. The only thing holding the marriage together will be the desire of both people at any given moment to be part of the marriage. As one author has said, unions based on romantic feelings and physical attraction ‘are often the most tyrannical of bonds because they depend entirely upon the partners keeping emotionally all the time up to scratch’.

When the romance wanes, or when the performance of a spouse drops below the optimum and there are better opportunities elsewhere, why stick with the marriage? Why not trade up for a new model? There’s no restraint on selfishness. If your feelings are disappointed, then you can file for divorce.

If marriage is merely a romantic relationship then each spouse knows that the other could up and leave without cause or warning. This is bound to affect what they put into the marriage. Why invest in the marriage if it could all be so easily ended? It naturally reduces commitment, undermining the marriage at its very core.

### *The Marxist-feminist view*

Both Marxists and feminists see marriage as the patriarchal exploitation of women. Early communist Russia aggressively promoted cohabitation and equated it with marriage. The 1918 *Family Code* ‘severed the concept of marriage from that of the family’. Marriage was no longer to be a life-long commitment, so in came no-fault divorce. Alexander Goikhbarg, a key author of the 1918 Code, boasted: ‘Marriage in Soviet legis-

## What is society’s interest in marriage?

**The benefits of marriage are well established. Those who are married are normally happier and tend to live longer, and have fewer heart attacks, a lower risk of depression, and better survival rates for cancer and major operations.**

Marriage is also the best environment for raising children. Ninety per cent of parents who stay together until their children reach 15 are married, and research also demonstrates health, educational and social benefits associated with being raised by married parents.

The corresponding problems of divorce for the parties are also well established. Divorce and separation are associated with increased risk of earlier mortality. Divorced men have higher rates of substance abuse, depression, and lack of social support, and divorcees are at greater risk of death from coronary heart disease and stroke.

Research shows that young people who experience family breakdown are more than twice as likely to become homeless and twice as likely to be in trouble with the police. Such children are also more likely to develop emotional and behavioural problems. At the societal level, the cost to the taxpayer of family breakdown has been estimated at around £51 billion a year.

Governments aren’t – or shouldn’t be – interested in the highs and lows of people’s emotional and romantic relationships. They are interested in stability for adults and children. The best way to secure that is for a child to be brought up by his or her own married mother and father. Since marriage is good and divorce is normally bad – it’s in all our interests to support marriage.

lation has ceased to be a prison...a union lifelong in principle, concluded for a whole lifetime, indissoluble.’

The 1926 *Family Code* gave further rights to cohabitants and speeded up divorce to just three days. Between 1926 and 1927 an already high divorce rate rose by nearly 70 per cent. Marriage was undermined using quick no-fault divorce. And it was more effective in doing so than the Communists ever dreamed. In fact it was too effective.

The ensuing destruction of family life began to destroy Russian society itself. Russia’s leaders eventually had to do something. The deputy chairman of the Supreme Court said in 1936: ‘It is necessary to put an end to the anarchist view of marriage and childbirth as an exclusively private affair.’

### Three cardinal myths

Back to today, the nature of marriage is not properly understood. And that means that divorce isn’t understood either. Divorce is far more serious than society has been led to believe by our cultural elites. Opinion formers, the social policy intelligentsia, family lawyers and the media have been heavily influenced by wrong views of marriage. These elites propagate three cardinal myths.

#### Myth #1: You are better off after divorce.

The facts contradict this. Couples who persevere through periods of unhappiness in their marriage are likely to be glad they did so later. Research found that seven in ten parents who were unhappy at the time of the birth of their first child stayed together. Of these, around two-thirds were happy ten years later.

#### Myth #2: The law doesn’t influence behaviour.

But the statistics show that major liberalisations of the law on divorce in England and Wales resulted in an increase in the number of divorces. In the space of a single decade successive changes to the process of divorce saw divorces rocket by two and a half times from 58,239 in 1970 to 148,301 in 1980. Over the same period, the divorce rate rose from 4.7 divorces per thousand of the married population to 12.

#### Myth #3: The law can’t be used to restrict divorce.

A marriage is brought into being by solemn public declarations. In order to be married the couple have to intend to stay together for life, at least at the point of marriage. It’s an institution, not merely a private relationship.

### Why social liberals want to change the law

We currently have a mixed fault and separation system of divorce. A divorce is granted on the ground of the irretrievable breakdown of marriage. This is proved by one of five facts:

- of fault (adultery, desertion or unreasonable behaviour) or
- of separation (two years with consent, or five years without consent).

Under proposals contained in the Divorce, Dissolution and Separation Bill, the five facts will be replaced by automatic no-fault divorce after a waiting period of six months. The need for an allegation of fault or a period of separation will be swept away. It will become impossible to contest a divorce.

The principal argument for the reform is that allegations of fault produce acrimony and generate unnecessary friction between divorcing spouses that sours the relationship going forward and affects future arrangements for any children.

But the new system would create acrimony of its own. As one commentator has put it: ‘marriage will become the one contract you can sign up to, invest all your life and love in, and then see it unilaterally broken, without even any acknowledgement that harm and wrong have been done. The anger and resentment created by this cannot simply be magicked away’.

It is the *fact* of divorce that harms children, not the process. Over 20 years ago, *The Exeter Family Study* found that divorce does not usually reduce conflict for the children. In fact, the opposite is true: ‘...the experience of most children whose parents divorce is of increased conflict over an extended period, with the child involved to an extent that may not have been the case while the marriage lasted’. After divorce, children are often at the heart of disputes in a way they never were before.

The government has stated that it is not anticipating that its proposals will lead to any increase in the divorce rate. However, it stands to reason that if something is made quicker and easier, it will inevitably become more common. This reality is borne out by the experience of countries that have instituted no-fault divorce.

A 1998 study of the impact of no-fault divorce in the US concluded that it was responsible for 17 per cent of the rise in divorce rates between 1968 and 1988. A separate study in the same year confirmed that ‘no-fault divorce laws are associated with higher divorce levels’. Similarly, in 2006 a study focusing on Europe said divorce law reform was

responsible for about 20 percent of the increase in divorce rates in Europe between 1960 and 2002.

### How should we respond?

#### ● We must promote the true understanding of marriage

Changing government policy and seeing a change in the legal establishment is a very tall order. Promoting marriage in our own families, churches and wider networks is much easier. We can teach our own children or grandchildren. Most young people want to marry – a poll published last year found that 78% of 14-17 year olds want to get married. Only 4% ruled it out. That’s a good starting place.

#### ● We must fight the government’s no-fault divorce reforms.

Divorce is at epidemic levels, but legislating for no-fault divorce will make things far worse. Many people take divorce far more seriously than our legal establishment and are not prepared to sign legal statements for divorce that are untrue. This, combined with the fact that many people don’t know how easy it is to obtain a divorce is serving as a restraint on divorce rates. However, the government’s proposals would take those restraints away. Formal no-fault will be far worse than the creeping no-fault we currently have.

#### ● We must support organisations like the Family Education Trust and the Coalition for Marriage.

● *Colin Hart is director of the Christian Institute and chairman of the Coalition for Marriage.*

### A few books available from Family Education Trust

● *Educating for Sexual Virtue: A Moral Vision for Relationships and Sex Education* by Olwyn Mark (reviewed in Bulletin 172, October 2018). £30.00 inc p&p (rrp £42.50)

● *Gender and Family* edited by Vivienne E Cree (A multi-authored title which includes a chapter by Stuart Waiton on ‘Amoral panic: the fall of the autonomous family and the rise of “early intervention”’.) £8.50 inc p&p (rrp £9.99)

● *Same-Sex Parenting Research: A Critical Assessment* by Walter Schumm (reviewed in Bulletin 173, February 2019). £12.00 inc p&p (rrp £14.00)

# World Congress of Families Verona 2019

Having attended some eight gatherings of the World Congress of Families in different parts of the world, at this year's event in Verona at the end of March, I detected a new confidence and spirit of optimism. At one time the movement seemed to be somewhat out on a limb, but now it has entered the mainstream and is having a real impact in the host countries. Politicians attend and new laws and fiscal measures result. In Verona we met in a 17th century Palazzo offered to us free of charge by the municipality.

There were strong contributions from Eastern European delegates. Conscious of the damage inflicted on the family by communism, there is a determination not to allow it to happen again. A spokesman from Croatia put it neatly when she said that her country had recently lived under three separate dictatorships and had no wish to settle for another.

From Hungary, President Orbán's Minister for the Family outlined measures to encourage young couples to marry and have children, including loans, housing grants and even money towards seven-seater cars. Hungary was the first country in the world to have state sponsored sex education in 1919, so it is good to see it leading the way against the sexual revolution that sex education has helped to bring about.

Brazil's Minister for the Family told us that under Jair Bolsonaro's presidency, every government policy will be looked at through the prism of the family interest, and parents will be recognised as the prime educators of their children, especially in sexuality.

Despite strong local support for the Verona Congress, there were protesters at the door. We had to push our way past them to gain access to the building, which was alive with journalists

especially when Deputy President Matteo Salvini was speaking. He deplored the lies that had been told about the movement over the months preceding the event. Fighting for the rights of the nuclear family doesn't make one a 'bigot' or 'ultra right-wing'.

Louise Kirk



## Speaking up for true marriage

*Dr Tony Rucinski, the recently-appointed Director of Supporter Strategy at the Coalition for Marriage (C4M) reflects on the work of C4M and the challenges that lie ahead*

**The Coalition for Marriage (C4M) represents the hundreds of thousands of people throughout the UK who support 'real marriage', defined as 'the voluntary union of one man and one woman for life'. C4M can and has made a difference.**

Since joining the team earlier this year, I have been surprised by how much happens in the background, out of the public eye. For example, the Office for National Statistics had been planning to combine all marriage statistics, without differentiating between same-sex marriages and opposite-sex marriages. However, after a strong consultation response from C4M supporters among others, the delineation of different types of marriage has been preserved in the official statistics. That is very important for holding the government to account.

Draft guidelines for independent schools indicated that teachers would not be free to state their disagreement with same-sex marriage and their support for a change in the law. However, following consultation and representations, the final guidelines allow scope for debate in an area where debate was in danger of being shut down.

These examples provide an encouragement to respond to public consultations and take action. We must always be vigilant and need to speak up for marriage.

Various challenges live ahead in the form of the proposed introduction of no-fault divorce, attempts to extend same-sex marriage to Northern Ireland, and efforts to unpick the quadruple lock, which currently protects religious organisations and their representatives against being required to conduct a same-sex marriage ceremony contrary to their beliefs.

• **Tony Rucinski is willing to address meetings on marriage and the work of C4M in different parts of the UK. He may be contacted on 0207 403 7879 or at [tony.rucinski@c4m.org.uk](mailto:tony.rucinski@c4m.org.uk)**

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