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JAMES BOGLE**

**The Traditional Extended Family: Key to Social Inclusion, Cohesion and Survival**

*General Jeffrey, Sir Peter Lawler, General James, General Phillips, Dame Mary Scholtens, Senators, Members of Parliament, ladies and gentlemen,*

**Introduction**

According to Professor Brenda Almond in the UK, “the threat to human communities and their continuity represented by the decline and fragmentation of the family poses the greatest long-term challenge facing Western countries”.

I think she is right.

As a barrister I specialise in chancery law and public law but I also get involved in the financial aspects of some family disputes and it is there that I have learned what many practitioners in that field know well but rarely admit: the rules are quite different from other areas of law.

Recently, Mr Justice Paul Coleridge, a judge of the Family Division of the High Court, and a good judge whom I have appeared in front of on numerous occasions, was reported in the media warning of an epidemic of family breakdown which he described as a “national tragedy”. Sir Paul says that “our children are the losers in the national game of ‘pass the partner’”.

He went on to say:

“When we talk about the modern family, the same argument is often made. Yes, things are different nowadays – but aren't we are all having to learn to adapt to a new definition of family, and a new way of life? In due course, won't we all learn to live with it?

It is a seductive argument. But as a family judge, I have witnessed the damage done by the endless game of ‘musical relationships’, or ‘pass the

partner’, in which a significant portion of the population is engaged.”

He added:

“There is a tendency, especially among the chattering classes, to assume that we have attained a social utopia, in which we are entirely and happily free from taboos, stigmas and other constraints on behaviour. It sounds so beguiling: let us all do what we want, when we want and sort out any mess as we go along.

But surely the test of any social change is whether it enhances people's lives or makes them more miserable. And this is where I take issue with the modern view of the family. If it is so successful, why are the statistics for separation so large? More significantly, why are the family courts overwhelmed with cases involving damaged, miserable or disturbed children? How do other children, caught up in less serious separations, really feel? Do they relish the endless changes of partner, or adapting to a new step-parent and step-siblings?

I am not suggesting, of course, that all change is bad, or that all relationship breakdowns can be avoided. Genuinely intolerable relationships have to be ended with as little distress as possible. But I fear that the current state of the family represents change for the worse – and those most affected, the children, are not considered in the maelstrom that surrounds them.

It is always so much easier and pain-free to blame central government, social services or the courts for everything. There is no quick-fix solution, although the reaffirmation of marriage as the gold standard would be a start: statistically, it has proved to be the most enduring relationship, and the best environment for children.

In the end, however, it is the behaviour of individuals that has driven us here, and it is only changes in behaviour that can make a radical difference. The time has come for a major examination of all the issues

surrounding family life, so that we can stand back and remould our behaviour for the benefit of us all – especially our children”.

This is, I understand, often as true of Australia as it is of Britain where I live and work.

### ***State of the Nation***

The family is where the vast majority of us learn the fundamental skills for life physically, emotionally and socially it is the context from which the rest of life flows.

However family stability in Britain has been in continuous decline for four decades. We increasingly faced with the challenges of families which are

- dysfunctional (often because of mental health issues),
- fractured (through separation or divorce),
- or fatherless (15% of babies are born into homes with no resident dad and many more end up that way.)

This is especially the case in the least advantaged sections of society

Policy-makers have been reluctant to grasp the nettle of family breakdown yet the consequences are evident for all to see, as Justice Coleridge is in no doubt about.

A recent very comprehensive report from the Centre for Social Justice, the social policy think-tank created by British political leader, Rt Hon Iain Duncan-Smith MP, entitled *Breakthrough Britain*, included one volume on family breakdown. The research committee was chaired by Dr Samantha Callan and made numerous policy recommendations to the help curtail the social costs of family breakdown.

It made a comprehensive analysis of the issues and summarised the consequences as follows:

### ***Consequences***

- Since the early 1970s there has been a decline in marriage, and a marked rise in the numbers of lone parent

families.

- The ongoing rise in family breakdown affecting young children has been driven by the dissolution of cohabiting partnerships. The majority of these are less stable than marriage (European data shows that by a child's fifth birthday less than 1 in 12 (8%) married parents have split up compared to almost 1 in 2 (43%) cohabiting parents).
- The intergenerational transmission of family breakdown and its associated disadvantages is seen in the way children who have been neglected or poorly nurtured are highly likely to go on to create dysfunctional families subject to further breakdown. Similarly there is an over-representation in teen pregnancy statistics of girls from fatherless and broken homes.
- Crime is strongly correlated with family breakdown - 70% of young offenders are from lone parent families and one third of prisoners were in local authority care (yet only 0.6% of the nation's children are in care at any one time).
- Costs of family breakdown to the exchequer are conservatively estimated to be well over £20bn per annum.

This research tends to reinforce and build upon earlier research such as the *Exeter Family Study* of 1994 (Cockett and Tripp) which showed that there tended to be far more damage to children from divorce than even from families characterised by acrimony and conflict.

*Broken Homes and Battered Children*, a study in the 90s published by the Family Education trust, analysed child abuse cases from the *Family Court Reporter* and showed that whilst the safest place for a child was in a family of one parent of each sex, the most unsafe was the fatherless family where the mother had a temporary new live-in lover.

Marriage, far from being “just a piece of paper” was, so the evidence clearly demonstrated, a true commitment to the

future safety, security and best interests of any child born, made publicly by the couple with their friends and family as witnesses.

It is the breakdown in this compact that has led to multifarious problems with immense costs, financially, emotionally and in terms of mental health.

*Breakthrough Britain* analyses the causes of the problem and the weakness of many current policy approaches.

Much of the analysis is equally relevant to Australia, the USA, and other western countries.

### ***Causes and current/previous governments' policy approaches***

- Family structure and family interactions matter - making a commitment can make a significant difference to behaviours and attitudes but our tax system makes virtually no recognition of marriage any more and the importance of interdependence between family members. The couple penalty in tax credits is a disincentive to low-income couples from making a co-residential arrangement unambiguous by marrying, thus implicating the welfare state in the rise of family breakdown.
- Poverty places enormous strain on relationships, as does poor housing and the lack of meaningful employment. Research indicates the relationship between levels of lone parenthood in an area and poor job opportunities for men. Supporting adult relationships must be a key concern of family policy rather than of peripheral interest as is often currently the case.
- In 1998, the government consultation paper *Supporting Families* proposed a range of measures to strengthen marriages and families (such as wider roles for registrars in the provision of marriage preparation and information) but 9 years later, very little government policy is directly preventative of family breakdown and lone parent family formation has, over the last quarter century, consistently

increased by 40,000 families per year.

- Research across 18 European countries indicates that one fifth of the increase in divorce rates over the last 40 years is due to the combined effect of legal reforms over that period.
- Funding is focused on teenagers to prevent crime and anti-social behaviour and intervention in the early years of a child's life is couched in similar terms. Too few resources are targeted on the early years, or on protecting the family environment, as part of a more positively focused effort to improve life chances radically.

In the light of these findings, the authors make particular suggestions for policy directions. In short, they say, policy must aim to build stronger families.

### ***Aims and Objectives of Proposed Policies***

State support should be provided in a way that encourages family networks to be self-supporting and well-rooted in the community and further strengthen the many families which are under pressure, but currently working well.

They must have the following objectives:

- Facilitating family stability and minimise family breakdown by encouraging healthy family relationships
- Building relational competence and tackling the high prevalence of psychosocial (including mental health) problems
- Focus on the first three years of children's lives and assist families during other periods of vulnerability (which may be prolonged eg. when disability is a factor).
- Maximise community-level support and minimise dependence on the state. Encourage and promote extended family relationships.
- Send the message that every family matters, an essential complement to the more usual "every child matters" policy approach. Focusing exclusively

on poverty and neglecting the couple relationship at the heart of the family will never shift the current statistics.

- Create a positive policy bias in support of marriage. The tax system does not recognise the benefits which marriage brings to society and the tax credits system is a disincentive to adults from uncommitted cohabitation and encourages fraud (e.g. the British government is paying tax credits and benefits to 200,000 more lone parents than live in the UK. Marriage has often been downgraded in official discourse and increasingly undifferentiated from cohabitation despite marked discrepancies in the statistics of stability of marriage compared with co-habitation.

### ***YouGov Polling (Apr-May 2007)***

Interestingly, government polls have shown that the public seem to recognise these results of research.

- 80% agreed that it is better for pre-school children to be looked after by a parent at home rather than by a child-minder or day nursery, whereas only 29% of people agreed with the statement that we should be trying to encourage mothers to go back to the workplace rather than making it easier to stay at home.
- Three-quarters agreed or strongly agreed that public money should be spent on community-based centres which parents can visit if they want advice or guidance on parenting.
- 86% agreed that 'People needing government-funded social care (e.g. due to illness or disability) should have the right to choose from a range of providers to find the one that best suits them'
- 96% of people agreed with giving extra support for people to care for elderly relatives
- 80% agreed or strongly agreed that extra support for marriage should be given in the tax and benefits system.
- 76% agreed or strongly agreed that

money should be available in the form of home care allowances, 52% that 'child benefits should be "front-loaded" allowing parents to claim more of their child benefits in early childhood and less when children are older.

- Over 90% agreed with the statement "Fathers are currently unfairly treated by the courts and not given the same rights, as a matter of course, as mothers". Only 22% agreed that fathers have adequate access rights and over 90% agreed or strongly agreed with the statement "Fathers should be allowed to take more responsibility for helping to bring up their children after separation or divorce".

Instead, policy in Britain seems to be heading in the other direction and it is now normative for public bodies to avoid descriptors that indicate that individuals are married. Thus "partner" instead of "wife" or "husband", as if marital commitment were somehow purely a matter of lifestyle choice, like preferring golf to cricket or cycling over running. This despite the weight of evidence demonstrating that family breakdown is costing the nation literally billions *per annum*.

### ***The benefits of marriage***

Writing in the 2006 *State of Our Unions* report, Barbara Dafoe Whitehead and David Popenoe, demonstrated a wide range of evidence showing that the economic benefits of marriage are substantial.

Linda Waite and Maggie Gallagher, in their seminal work, *The case for marriage* published in 2000 by Doubleday, demonstrate that the married were, generally, better off in all the key determinant areas of life – health, earnings, longevity, child rearing and the primary indicators of human happiness.

Robert George and Jean Bethke Elshtain, professors at Princeton and Chicago, respectively, in their edited work *The Meaning of Marriage: Family, State, Market and Morals*, further demonstrated the enduring benefit to the state, to society and to the common good of the widespread incidence of healthy marriages.

16 of the top US scholars on the subject of family life have re-issued a joint report on the importance of marriage to a healthy society, entitled *Why Marriage Matters: 26 Conclusions from the Social Sciences*.

Judith Wallerstein's *The Unexpected Legacy of Divorce* tells the same story.

The research is overwhelmingly in favour of marriage as best for children, for adults and for society.

In marriage children enjoy better health, physical and mental, and make better relationships themselves in later life.

Married couples have longer life expectancy and better record of higher earnings and career success.

Marriage increases the likelihood that fathers will have good relationships with children.

Married mothers have a lower rate of depression than single or co-habiting mothers and married women are actually at **lower** risk of domestic violence than co-habiting women.

Cohabiting couples are more like singles than marrieds in terms of physical health, emotional well-being and mental health, as well as in terms of assets, earnings and financial betterment and their children are more comparable in those terms to the children of singles.

Marriage reduces the risk that children and adults will be either the perpetrators or the victims of crime, whereas the absence of fathers in a family is directly associated with a higher incidence of criminality in young adolescents and young adults.

In sum, marriage is a vitally important social good and the decline of marriage is highly expensive to society financially and in terms of mental health indicators.

Marriage is directly associated with an impressive array of positive outcomes for children and adults alike.

These benefits accrue not only to the better off but, even more so, to poor, marginalised and minority communities.

Marriage is associated with economic, health, educational and safety benefits which are crucial to society as a whole and vital in helping local, state and national governments to achieve their objectives and serve and enhance the common good of the wider community.

Far from being a mere lifestyle choice, marriage is of vital benefit to all members of society, including those who are not married or never marry.

This is the proven track record of marriage, re-emphasised by research, which track record is chiefly noticeable by its absence from those other environments for the upbringing of children. With which society is currently experimenting.

### **Conclusions**

The tide of family breakdown (dysfunction, dissolution and dad-lessness) can be turned. Policies need to pay particular attention to the needs of our youngest citizens, those in the first three years of life where the nurture of their parents is of prime importance.

We should all want our children to be given the best opportunities to grow into relationally competent and confident adults.  
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We should not be remotely apologetic about supporting an institution which is so beneficial to society and to individuals and which, if it is unsupported and allowed to go wrong, can cause immense harm to its members and to society as a whole.

The time for experimenting with the health and welfare of our children, who are the nation's future, is over. The time to re-establish the best environment for their healthy development and growth is now here.

And that environment is the family. There is no substitute for it. Let us therefore support it and celebrate it and accept no inferior substitutes.

If we are really serious about child protection and care and the best interests of children, we will make this an immediate policy priority.

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