

**Family Holiday Association
House of Commons
16 June 2009**

Holiday and Families

Of the many passions I have in life, two stand out in my mind. Families, and the support for them as an endangered species, and holidays. I have spoken out on the subject of families on a number of occasions in the past couple of years , and I would like to say a little more about that tonight. But I have said nothing about holidays and I am nearly as passionate about their importance too. My wife and I could quite properly be described as holiday junkies. We spend a quite disproportionate amount of our spare time thinking about, then planning, then experiencing and finally reminiscing about holidays. They are an essential part of my battery recharging process. We all need time out from the stresses of life whatever form they may take. I could not cope with the stress of the family court without regular time away to get life back into perspective.

So it was a no brainer when you kindly invited me to become a trustee of this most excellent of charities. It was a perfect fit. I was unaware of your existence and I think it is, quite simply, a brilliant idea paying dividends far beyond the immediate financial cost

But let me now say a little more about families and family life in Britain.

My views only

Let me stress, as I have in the past, that any views I express this evening are my own. They are informed by nearly four decades in the business. They are not in any sense the collegiate view of the Family Division or the wider family judiciary in the country. For all I know many may disagree. Thankfully, judges are by nature fiercely independent minded. However I know that many of those I would count as my friends within the wider judicial family are strongly supportive of my views and observations albeit that they are perhaps rather more reticent about expressing them in public. In that respect I no longer share their traditional restraint. Times demand, I think, more open discussion, or even protest.

Reactions to April

In April last year *Resolution*, the large and well-organised national association of family solicitors, kindly asked me to open their annual

conference in Brighton. I took the opportunity to talk about the parlous state of family justice against the background of the scale of family breakdown in this country. I suggested a few priorities for action by government. Proper funding of the whole family justice system against the background of the wholesale collapse of society at certain levels was the umbrella under which I made my suggestions.

I would be either disingenuous or naïve if I suggested I did not expect any reaction to what I said. However I was genuinely interested, surprised and, to an extent, gratified by the scale of the reaction both in sheer numerical terms and intensity. It seemed to demonstrate to me, if nothing else, the very deep anxiety felt by vast swathes of the population about the whole subject. I received reactions and communications from every quarter. Because, of course, almost everyone has a view on this topic.

Not all were supportive.

Let me mention a few; they are, I think, quite instructive.

By 5pm on the afternoon of the speech one MP was offering his comments on the BBC about what I had said, as the speech had been reported on the national BBC news.

The MP's position could be summed up as "problem, what problem?" He went on; "Latest statistical data shows that 70% of household are headed by two parents". Ergo, I suppose everything in the garden is rosy or at least ok

But what that figure does **not** reveal is

- 1 How long any such household has been in that state i.e. how stable the relationship really is and has been, nor
- 2 How many other relationships the individuals in the household have been in prior to the subject one.

I am not doubting, indeed assert, that there is a deep human longing and desire for stable family life in this country as elsewhere. No, what, I hope in all humility, I am drawing attention to is the endless game of "musical relationships," or "pass the partner," in which such a significant portion of the population is engaged, in the endless and futile quest for a perfect relationship which will be attained, it is supposed, by landing on the right chair or unwrapping a new and more exciting parcel. And it is this attitude which is one of the main drivers of so much family dispute which inundates the family courts.

It was heartening, I thought, that a number of research organisations of various political hues approached me directly to discuss the scale of the problem and its' possible remedies both statutory and otherwise. That seemed to me to demonstrate a genuine desire to think creatively and learn. Indeed, it is really heartening to see the whole subject forcing its way more and higher onto the political and media agenda where it rightly belongs.

But, as I say, all would not agree and continue to query whether **we really have a problem at all?**

Is it just that we are all having to learn to adapt to a new definition of family and a new way of family life which in due course we will all learn to live with and accept? Are we merely going through a period of change, painful sometimes, but that is all?

Certainly that is the view of some of the chattering classes and the media. Let me illustrate.

In August last year, in an edition of that very well known Radio 4 programme "*Any Questions*" the following question was posed by a member of the audience:

"Does the panel agree with the judge who recently claimed that family breakdown is a greater threat than global warming to our society?"

I was the judge referred to, and it was supportive of my view that there is a high level of public concern, I thought, that this question had been asked four months after I had made the speech and from a member of the audience in a small Devon town.

The panel's off the cuff responses were, perhaps not surprisingly, somewhat confusing and mixed, some broadly agreeing with me but others not .

Mary Beard, Professor of Classics at Cambridge responded in this way:

*"I get so fed up with people sounding off like this whether it is judges or Prince Charles, actually. I mean by the time you get to be my age you live through so many things that are going to bring the planet to an end
.....she went on*

“At my age.... you have lived through all these. Everything is either going to bring the planet to an end or bring British civil society to an end and that has been population explosion, it has been global warming it has been GM crops, it is binge drinking, gun crime, excessive marmalade eating, you know imagine anything. When I hear this I think it isn't necessarily bad, it turns attention sometimes briefly on to something we may need to notice but actually if you say what is going to bring civil society in this country to an end? It is ignorance and lack of education not being able to judge old judges who come out with platitudes like this, you know that is the problem. Fine well meaning stuff but we need to think hang on a minute Mr. Justice who ever you are, are you right? And if we stop actually thinking hang on a minute are you right then I am afraid he has brought about the end of civil society that he is projecting”.

Tim Smit founder of the Eden project in Cornwall, another panellist was rather more direct, he said

“I find the way judges sound off, they ought to almost always be mystically shrouded in something because they tend to sound off , you know this old fashioned values and all that and most judges I think should have been retired quite a long time ago.”

Do I discern amongst those responses from those intelligent people, the attitude that all is fine if we would just take on board and accept the inevitable?

Jonathon Dimpleby was at least gracious enough to acknowledge that I might not be 100 quite yet. And there were some broadly favourable comments from the other panellists. But the underlying serious question remains; is this just a storm in a tea cup, a fuss about nothing?

Here is another view well articulated in a serious newspaper. In the *Sunday Times* on October 12 last, Gemma Soames wrote a long and thoughtful article entitled

“It's all change on the traditional 2.4 kids front”. Let me quote a few passages from it:

“ In fact, there are so many non-“normal” families, there is no normal any more. Divorced — so what? Stepbrothers — how many? Grandmother as your nanny? Well, of course. Family is now an elastic term, applicable to any number of permutations beyond the Volvo-

owning married mother and father of 2.4. Now there might be a mum and dad, two mums, two dads, no mum, no dad or multiple combinations of all the above. And what's more, they might all get together for Sunday lunch. Because just as old ties are being broken, new ones are being formed. For many, the old family model does not fit. But that does not mean that they're opting out of it entirely, they're merely reinventing it."

The reaction of the BBC

The reaction of the BBC has been interesting, and perhaps a little confusing, if not concerning.

Following my April speech , BBC approached me as there are within that organisation serious journalists eager to explore the whole social canvass and understand the scale of the problem with a view to identifying remedies. They sent a producer to come and talk about whether I might be prepared to be involved in taking the subject of social/family breakdown forward in one format or another in the context of two programmes already in preparation . They were genuinely enthusiastic to grapple with a very important topic of universal interest to the whole nation. Or so it seemed to me.

Within a few minutes of the discussion starting with the producer it was apparent to her and me that she had no idea what I was talking about in term of the work of the family courts. She did not even begin to understand the basic vocab of the work, let alone what was going on, day in and day out, in my court room, situated next to the room in which were then talking. I suggested she start by spending the day with me in court to watch a run of the mill High Court public law case. She was keen to do so and we arranged it.

I do not think I am misrepresenting her reaction when I say the researcher was simply stunned into silence by the whole experience

She was rendered even more speechless when I told her that within the Royal Courts of Justice, on that very day, there were about another twenty judges engaged in similar cases albeit at different stages. By glancing quickly via the internet at the published lists for the day, covering just the inner London family courts, it was possible to calculate that on that day alone well over one hundred courts were dealing with family breakdown in one guise or another. I invited her to multiply the problem across the rest of the country, the big cities, if she wanted to get some feel for the scale of the epidemic. I asked whether she thought, in

the circumstances, that my speech had over dramatised the problem. I think she understood. She diffidently and readily admitted her ignorance of the scale and complexity of the problem but made the point, quite rightly, that she was not alone.

On the strength of what she had learned and a series of lengthy interviews with those involved in these matters one way or another (including myself) two long documentary programmes were produced by John Ware, a senior and well known and highly respected BBC journalist. They are going out under the title of “The Death of Respect”. They were complete, so I understand by the end of March, and due for broadcast shortly afterwards at a 9pm slot. Last week I discovered they are to be shown in mid July at the extraordinary time of 11.20 pm.

What is the explanation for this change of heart about these important programmes ? I have sought to make enquiries with the producer and Mr Ware. The only response I have had is that those in charge think that they are “too dark”. “What” I enquired “does “too dark” mean ?” The response was that they are not regarded as sufficiently positive or life affirming or the kind of programmes which the BBC like to make nowadays.

So we have a situation, it would seem, where the biggest and most highly regarded, publicly funded opinion former in the land regards these vitally important issues as “too dark” to make a contribution to. Instead they either avoid engaging in the debate. That, I suggest is worrying. But it may be a symptom of the wider problem

If there is one absolutely clear conclusion I have come to over the year, since I spoke in Brighton, is that there is a deep and abiding concern about the current state of health of the family in this country and a real wish to engage in debate about where we are and what needs to be done. Yes, indeed it is dark, very dark, and sometimes disturbing, but we shall not throw any light on it if we refuse to acknowledge it and open it up to debate.

It is not for me or any of us perhaps, apart from the leaders of the faith communities, to make a moral judgment about the way in which people chose to live their lives. But it is for everyone to engage in the debate and have an informed view.

Is the way in which life is depicted in the quotations I have used, a description of a social Utopia which we now, as a society, have attained?

A society entirely and happily free from taboos and stigmas and other self-applied constraints on behaviour?

Or, on the other hand is it a description of social anarchy, a complete and uncontrolled free for all where being true to oneself and one's needs is the only yardstick for controlling behaviour?

I wish I could agree with the Utopian viewpoint. It sounds so beguiling and superficially attractive. Let us all do what we want when we want and sort out any mess as we live from day today.

Of course, I fully accept that our way of life and our social arrangements are bound to change over time. And many of the evolutions were and are excellent and long overdue in many areas; freeing women, in particular, from much of their past semi-serfdom.

But surely the test for the merit of any social evolution or development is whether it enhances peoples' lives or makes them more miserable. Put simply are the participants' lives rendered more fulfilled and happy by the changes?

And this is where I take issue with this modern or post modern view of family. If it is so successful as a model, so happy and fulfilled, why are the statistics for separation of all kinds so appallingly large? And, more significantly, why are the family courts overwhelmed with cases, both public and private law, especially involving damaged, miserable or disturbed children, requiring resolution by one means or another?

And how do the children caught up in the less serious private disputes involving their separated parents, exposed to this new way of living, really feel? Do they relish the endless changes of partner? How do they feel about having to absorb into the family a new step parent and new step siblings? Is that what they would choose or really want?

Even in the well regulated contact arrangements, how do they feel about endlessly moving from one parental camp to the other, in the hope that a scheme which shares them between the two families, is fairest for all and therefore best? It may suit the parents and keep the record straight as between them. The parents may indeed see it as "fair". Most of the fathers' organisations think so. But do the children really enjoy, as opposed to tolerate, endlessly moving from one home environment to another and having to adapt to the different home cultures? Do they experience Utopia?

And that is where the parents can sort things out without recourse to others to resolve disputes. But a very great many cannot. Then the

children are caught up in the conflict of their parents' unresolved relationship issues and it can leave them scarred, sometimes severely scarred, for life.

So I conclude, based on what is happening in family courts, criminal courts, the schools and the hospitals, both in volume and severity, we do indeed have a mighty problem which cannot and should not be ignored or brushed aside with the response that this is just a natural development of society and there is nothing to be done.

I have no problem with change for the better. I fear that overall the current state of the family represents, in fact, change for the worse. And those most affected, the children, are not consulted or considered in the general maelstrom which surrounds it.

What if anything can be done?

So what if anything can be done to improve things? Nothing?

I refuse to believe that counsel of despair. Not because I am an eternal optimist who refuses to face the inevitable but because it is new public attitudes and behaviours (made up of the behaviour of individuals) which have driven us here and it is by that route, more than anything else, I suggest, we shall stop the decline, improve things and move forward.

We all, as individuals, have to share the responsibility and the blame.

There is certainly no one simple, quick fix solution despite the many hobby horses that are flying around! Indeed there are no quick and easy solutions at all.

Government, whether national or local, has an important part to play. But neither has, I believe, been the main architect of the problems and neither can by itself solve them.

Endless scape-goating and examination of, say, the processes and systems of social services departments is all well and good but it is by itself totally inadequate and does not begin to address the mischief.

Similarly the law and the courts can be improved and so help with the putting in place of the right substantive laws and procedures would be a good idea. But it too is not the whole answer.

It is always so much easier and pain free to blame central government, social services or the courts for everything..... **but in the end it is the behaviour of individuals which has driven us here and it is only changes in behaviour which can make a radical difference and ease the burden on the services.**

And that is every one of us in our own private lives. It includes the judiciary and politicians amongst whom there is as high an incidence of relationship breakdown as in any other walk of life. No section of society and no one is immune.

The fundamental change in individual attitude and behaviour that is required, is in our assumption that the way in which we conduct our private lives in relation to both the production and parenting of children or the break-up a parental relationship, is a private matter which only affects the individuals directly concerned.

No, it is not. It is a public matter; of real public interest and real public concern. The ripple affect, as I have described it, is very, very far reaching both on the wider family of the individual, the local community and ultimately the wider community and the whole country.

To that end surely we need to be re-educated to understand the benefits of stability and long term commitment both in the short term and long term for our private benefit, but also for the long term public benefit.

I am not suggesting that all relationship breakdown and termination can be avoided in all cases. Of course it cannot. Genuinely intolerable relationships have to be ended with as much dignity and lack of distress as the parties and the system can manage

To that end, the reaffirmation of **marriage as the gold standard** would be a start, with all its faults. Marriage is by no means perfect or the only way or only structure for living with a partner but statistically it has proved to be the most enduring and, statistically, the children of such relationships perform the best. That is simple provable fact which has to be faced however unpalatable to its detractors. Support for marriage therefore makes pragmatic common sense because it is demonstrably in

the public interest and ultimately saves money (like eating healthily !)
That too can properly engage government.

But I also favour better rights for long term cohabitants too, to encourage stability

There are other government interventions which would assist. Support for individual families before they reach crisis pitch is known to be effective in improving statistics for breakdown.

The work of this Charity and others in intervention and support for families **before** they reach crisis point and so as to prevent them reaching it is both possible and essential.

Government can play a huge part here. But it has to be recognised that with a population of 50 million it is very expensive of resources of all kinds. And at a time of acute financial constraint we must be realistic. But family breakdown is also massively expensive of resources too, so support for families makes long term common sense.

So in the end, unpalatable though it is to face up to, making a real difference comes back to our own individual behaviour.

Conclusions

So after this necessarily superficial and personal tour d'horizon of where we are, and how we got here, these are my broad conclusions:

- 1 We need to recognise that as a society we have real problems caused by the way we live and we need to face up to them, try to understand them and their causes and then try and remedy them.
- 2 Although, superficially, these are private issues they become matters of public concern when they are happening on such a huge scale and affect detrimentally such a significant proportion of the population of all types and ages. What is a matter of private concern when it is on a small scale becomes a matter of public concern when it reaches epidemic proportions. An epidemic is a matter of concern for us all especially where so many children are infected by it. And the problems in both the

public law field and the private law field have common root causes.

- 3 Winding back the clock is not an option even if it was feasible. We are where we are, not all the changes are for the worse, many are for the better. The removal of judgemental stigmas and taboos is positive, if society can manage itself and its excesses in a more intelligent and sophisticated way for the greater benefit and happiness of all. But the re-emergence of a public attitude which is anti relationship destruction, a new stigma perhaps, could do a lot to stem the flood.
- 4 Government can play a huge part but it is not capable of solving all the problems. Marriage, as the best structure in which to raise children, needs to be reaffirmed, strengthened and supported but it is not the only one. Those who chose not to marry but live a committed life with a partner need proper protection and rights too.
- 5 The time has come for a major examination of all the issues surrounding family life, its support and maintenance, and especially the mechanisms and laws for its termination.
- 6 No single party or constituent group has the necessary time, independence, credibility or authority to carry out the task. Only a National or Royal commission drawn from a wide constituency and with the widest possible terms of reference and remit has any chance of reaching conclusions which will be acceptable to the majority. Whatever happens, party politics must be kept out of the debate.
- 7 In arriving at conclusions any commission must be especially alive to the cost implications of its recommendations. There is no point in designing, as we have often in the past, a Rolls Royce and then running it on paraffin or worse not being able to take it out of the garage.

We have come a long way, very fast and in a very short time. But surely we have learned from our experience along the way and matured. And surely we can now, steeped in that experience both good and bad, stand back, put aside our preconceptions and personal prejudices, fashion some improvements and remould our behaviour for the benefit of us individually and us all, especially children.

I fervently believe so

The family rules OK, and the welfare of the family is of paramount importance.

Thank you for your patience and courtesy and thank you for inviting me to this dinner and to be a patron of this excellent, well focused charity. The welfare of families is of paramount importance and I am proud to be associated with the Family Holiday Association and its simple but effective aims.

Sir Paul Coleridge