

Ditching Daddy, or *Tesco Ergo Sum*

Part 3 Having Their Cake And Eating It

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Introductory

Parts 1 and 2 of this article explained how the House of Lords is tackling provisions relating to fathers in the Government's Human Fertilisation and Embryology Bill [HL], which I am calling the IVF Bill.¹ Those Parts also pointed out the ambiguity of the provisions. This final Part explains how the Lords dealt with the matter at Report stage on January 21.

It was not an easy point to decide. Let me set it out again in stark simplicity, for we are dealing here with our society's bedrock.

The IVF Bill breaks new ground in allowing two people of the same sex to be registered as the sole parents of a baby born through IVF. With female joint parents this raised the question of what was to be done about the provision in the Human Fertilisation and Embryology Act 1990 which requires that a woman shall not be provided with IVF treatment unless account has been taken of the welfare of any child who may be born as a result. A parenthesis adds "(including the need of that child for a father)". Where does this "need" come in when two women are the sole registered parents or a single IVF mother has no connection with the child's biological father?

The Government's first answer was simply to repeal the now inconvenient parenthesis. A storm ensued, which I described in the previous Parts. As Lady Deech put it, the Government had opened up a hornets' nest.

The Government's response

On the Report stage the Government first responded to the storm by withdrawing the proposed repeal of the parenthesis, which at a stroke removed the difficulty about an ambiguity. The Lords then grappled with the central point. The parenthesis could scarcely survive as it stood, for how could the postulated need for a father apply where the sole parents were two women, or for that matter a lone woman? What about the (unmentioned) need for a mother where the sole registered parents were two men? What anyway does a father really contribute in our present society?

This is where the point about our society's bedrock came in, but the peers were hesitant in dealing with it. They tiptoed around the vital question. What was really meant when the parenthesis about the need for a father was originally inserted in the 1990 Act? *What exactly is a father supposed to contribute to a child's welfare that would otherwise be missing?*

That was the matter which those peers (and there were many) who wished to retain mention of a father needed to examine for us. They had to demonstrate by chapter and verse just how valuable and distinctive a good father is to the upbringing of a child. (No one supposed the disputed parenthesis was talking about bad fathers.)

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¹ Part 1 of this article can be accessed at www.francisbennion.com/2008/001.htm

Some peers indulged in what might be called the parenting fallacy. They went to elaborate lengths to show that single mothers, and lesbian or gay couples, are just as proficient at parenting as the straightest married pair. Lord Darzi said all the Government wished to do was uphold “the quality of parenting”. Lady Howarth said that all children need is a good home and a stable and loving family, and recognised entirely “the abilities and commitment of many single-sex couples”. Lord Carlile described one of his daughters:

“The daughter in question, my middle daughter, is a solicitor, and her partner is an accountant. They are—if they will forgive me—as square as a box. They live in a provincial town in England, in a splendid semi-detached house with double-glazed new windows and a Vauxhall Zafira sitting in the drive. Their child, my grandson, is the picture of health and his parents are morally exemplary. They happen to be married to each other through a civil partnership and they are both female.”

All that stuff about the quality of parenting was missing the point in a big way. It was wilful obtuseness. No one would doubt that a single mother, or a pair of women in a civil partnership, if equipped with a sufficient income, could provide good parenting so that the child was “a picture of health”, had a nice car to ride around in, and was suitably fed, clothed and schooled.

To similar effect was the reliance on research findings to show the irrelevance of fathers. Lady Howarth said:

“The most scientifically rigorous studies of the development of children in same-sex families show that children raised in lesbian mother families are no more at risk of developing psychological problems than their counterparts from families with fathers present in their home . . . *The quality of parenting in these families shows very little difference.* They concluded that the presence or absence of fathers in a home from the outset does have some influence—this is true in single-parent families as well as other families—but has little consequence in later life.”

The words I have italicised repeat the parenting fallacy just mentioned. The final sentence is doubtfully based, considering the youthfulness of the child sample. The answer was given by Lady Deech:

“The research that has been done on same-sex rearing of children of course only deals with very young children and is at an early stage. It is greatly outweighed by the research going the other way, and begs the question whether children would not do even better if there were a father.”

So What Does A Father Contribute?

I have carefully studied what peers said in the three debates about just what it is that a good father contributes to the welfare of the child in its upbringing. I have made a précis of the best descriptions, which I now present.²

Nature requires male material in a living human being as well as female. That should be recognised in considering the welfare of a human being about to be brought into the world, regardless of whether that human being will ultimately have a father in any ordinary sense of the word, though a male who is within the framework of the child’s society and friendship may well be the one who would be sufficient to satisfy the condition.³

Government policy is that men should pay for their children after divorce and separation and that they should take responsibility. Divorce law judges hold that contact with a father after divorce is a good thing. Children need to see complementary roles, the relationship between

² Footnotes give the name of the peer in question. So far as practicable, I have kept to the original wording. To avoid a disjointed appearance I have not indicated omissions. I have underlined significant points.

³ Lord Mackay.

the sexes, a microcosm of society as they grow up. If a woman is pregnant and her husband dies during the pregnancy, do we not say that is a tragedy?⁴

To deny to a child that he or she had a real biological father would be nothing short of the state colluding in a deception. One of the deepest questions that we ask ourselves is, Who am I? The right to lineage affects us all, and uncertainty over parentage can profoundly unsettle people. The popularity of television programmes such as “Who Do You Think You Are?” illustrates the natural desire to know one’s family history.⁵

Research shows conclusively in fields such as education and educational achievement that a child who has a male model as well as a female model is likely to do considerably better than one who does not have that male model, because our society is made up of men and women. They often have rather different approaches, even rather different language: women’s language is much more often associational, and men’s language is more often directly related to a particular issue. Professor Carol Gilligan in her book *In a Different Voice* goes at length into the ways in which little girls and little boys develop. One is rather different from the other, and a child will benefit from understanding from its babyhood what a man and a woman constitute and how they should complement each other. Unless we give men a full sense of what it is to be a father, a member of a family, we will simply find ourselves with more and more dysfunctional families, and with boys who do not quite see what their place is in society and the family.⁶

There is a need for male role models for social cohesion, to reduce underachievement, and to avoid increasing violent crime and gang culture.⁷

To rule out the male responsibility seems to go in the face of nature, religion and good sensible politics.⁸

I suggest that the father has four roles: (1) giving physical, financial and emotional support to the mother; (2) as a secondary, but still very important, attachment figure for the child, adding to its self-esteem and sense of security; (3) as a role model, showing a boy what it means to be a man, building his self-esteem, encouraging him to work at school and developing by example his social skills; and (4) as a role model to both boys and girls, showing them how a man and a woman can live and work together in a loving relationship. The statistics show that children who grow up with a dad, or with a committed surrogate dad such as a grandfather, are likely to have better chances in life.⁹

Being a father is a deeply understood notion in our and every culture. Fatherhood is not something that is up for legislative redefinition.¹⁰

Many of us are instinctively uncomfortable with the notion that the presence or absence of a father in a child’s life should be completely irrelevant to any assessment of its likely welfare.¹¹

Need for a father reflects the wisdom and natural practice of the centuries. One of the main arguments against cloning is that the child would be the product of only one parent with no input at all from another. I have a list of about 80 research papers detailing the unique contribution made by fathers to the upbringing of girls and boys in terms of social and academic success and psychological and physical health. A household of two parents of different sexes is a microcosm of society. It gives children the chance to see the complementariness of roles, to hear adult conversation, to see two perspectives, to see the

⁴ Lady Deech.

⁵ Lord Alton.

⁶ Shirley Williams.

⁷ Archbishop of York.

⁸ Bishop of Newcastle.

⁹ Lord Northbourne.

¹⁰ Lady O’Neill.

¹¹ Lord Howe.

adjustment between the sexes, to have two sets of grandparents and a wider family, and to have respect for the opposite sex, not the denigration of it. In a poll of approximately 1,000 people taken in 2007, 84 per cent of 18 to 24 year-olds believed that the father is important and 82 per cent of all those questioned thought that his absence is adverse. In keeping the law as it is, we will be in line with the rest of Europe; our law is already more liberal than the laws in the rest of Europe. Single people cannot be treated by IVF in France, Italy, Sweden, Norway, Switzerland, Portugal and Germany.¹²

Research demonstrates that fathers bring something distinctive and important to the parenting process. The CARE Fatherhood Bibliography, which is available on www.care.org.uk/fathers, highlights more than 100 pieces of research. An article by Rohner and Veneziano suggests that the influence of father love on offspring's development is as great as, and occasionally greater than, the influence of mother love. Popenoe says recent research has given us much deeper insights into the father's role in childrearing. It shows that fathers do things a little differently from mothers and that what fathers do is not only highly complementary to what mothers do but is important in its own right for optimum childrearing. It also shows that fathers are far more than just "second adults" in the home but bring positive benefits to their children that no other person is as likely to bring. Fathers make important contributions to their children's intellectual competence and psychological well-being. Nord, Brimhall and West say that the involvement of fathers exerts a distinct and independent influence on whether children have ever repeated a grade, get mostly A grades, enjoy school, and participate in extracurricular activities. In the Government's 2005 consultation preceding the Bill only 103 of the 505 responses backed removing the obligation to have regard to the child's need for a father. More recently, a ComRes telephone poll demonstrated that 77 per cent of people think that the obligation on IVF clinics to have regard to the child's need for a father is either important or very important. This rose to 84 per cent for the 18 to 24 year-olds.¹³

There are close links between fatherless families (or families without consistent male role models) and the following factors: children living in poverty; children enjoying poorer health; children subject to a higher risk of abuse; children subject to a higher risk of offending, and poor school performance.¹⁴

The great majority of people in the debate accept that the research evidence strongly supports the view that children in general—although not necessarily in all individual cases—do much better in later life across a wide range of measures, including education, employment and offending, when a father is involved. The Joint Committee on the draft Bill concluded that the balance of view on the committee was that it would be detrimental to remove entirely the requirement to take into account the need for a father. The Joint Committee also recognised that "In an area such as this, the law has symbolic value". I think it does have symbolic value and some of the quotes that have been given about public opinion reflect that view.¹⁵

24 per cent of the nation's children are growing up in families without a live-in father. If the Government carelessly give the impression in this Bill that they are downgrading the importance of a committed father in the family, there will certainly be more single-parent families in the future than there are today. The press are watching this space, and so are the public.¹⁶

Many of the boys without an interested father with whom I have worked have yearned for such a parent. Lone mothers speak to me about the need of their sons for a father figure. A

¹² Lady Deech.

¹³ Lady O'Cathain.

¹⁴ Lord Patten.

¹⁵ Lord Warner.

¹⁶ Lord Northbourne.

lone mother—a teacher, who supports the education of children in children’s homes with great success—told me how helpful it would be for her 12 year-old son if his school could find a male physical education teacher, because he is growing up without a father. Time and again I have heard prison officers in the criminal justice system describing themselves as the first father-figures for their young male inmates. Only last week a 22 year-old man described to the All-Party Parliamentary Group on Penal Affairs his long involvement with crime as a drug dealer. He described the lack of a positive male role model when he was growing up on his estate and firmly identified that as the root of his criminal behaviour. Important to his rehabilitation was his relationship with a male drama teacher who inspired him to become an actor and an author.¹⁷

What signal would we be sending to the public if we removed the phrase “the need for a father”? New laws send out clear and powerful messages. People will conclude that Parliament now thinks that fathers are an optional extra. The public impression is and will be that removing the phrase undermines the role of fathers.¹⁸

When I was Education Secretary, one of our main concerns was the shortage of male teachers in primary schools—a concern that remains. We knew that those children needed male role models; in particular, children from broken or disadvantaged families benefited from a male role model. I am troubled by the extent to which I have seen, particularly in education, the way in which boys in particular find themselves at a loss about quite what their role in society is. We are seeing the demotivation of boys. It is terribly important that we restore to them their motivation, and fatherhood is one of the key ways of doing that.¹⁹

It seems to me that the Government, either by design or well-meaning accident, are now busy deconstructing the meaning of fatherhood. That is where incipient anti-father prejudice could well be creeping in. By appearing to be a bit anti-father, and appearing to fail to give proper respect to both sexes, the principle ultimately fails to hold equality of esteem for parenting between the sexes. I simply cannot believe—as I predict will be seen—that the country at large supports the removal of the need for a father. That removal sends a clear signal to men that the Government ultimately do not value the unique role of fathers in a child’s life, let alone the message that the Government wish to promote legislation that might turn out to be seen by later generations as discriminatory against men.²⁰

Having Their Cake And Eating It

These are all excellent arguments for keeping the reference to the need for a father. Unfortunately they were undermined by a fatal flaw. I foreshadowed it in the first paragraph above. *Where does this “need” come in when two women are the sole registered parents or a single IVF mother has no connection with the child’s biological father?* With massive illogicality, the peers who wanted to retain the reference to the need for a father also agreed that the state should continue to provide IVF treatment where the sole “parents” are two women or there is only one parent and that one is female. They were trying to have their cake and eat it.

The Government settled for the parenting fallacy. The 1990 Act provision was amended to read:

A woman shall not be provided with treatment services unless account has been taken of the welfare of any child who may be born as a result of the treatment (including the need of that child for supportive parenting), and of any other child who may be affected by the birth.

¹⁷ Lord Listowel.

¹⁸ Lady O’Cathain.

¹⁹ Shirley Williams.

²⁰ Lord Patten.

The amendment consisted of the removal of “a father”, substituting for it “supportive parenting”. It is not likely to be changed when the Bill reaches the Commons after Easter.