

office of the **CHIEF RABBI**

Office of the Chief Rabbi – Written Submission

Constitutional Affairs Committee Inquiry on Family Justice: The Family Courts.

1. Introduction

1.1. The Office of the Chief Rabbi (OCR) welcomes the opportunity to submit some brief comments to the inquiry of the Constitutional Affairs Committee.

1.2. The Office of the Chief Rabbi is the religious authority of the United Hebrew Congregation of Britain and the Commonwealth. In total, it is responsible for over 150 synagogue communities in the UK, including just under half in the United Synagogue, the largest synagogal membership body in the UK. The Chief Rabbi is also the head of his own Court of judges, whom deal with matters of Jewish law, including Jewish divorce. Jewish law insists that there needs to be a religious as well as civil divorce when a couple separate.

1.3. The OCR wishes to emphasise the importance of involving both parents in the raising of their children. Children deserve the chance to develop a relationship with both their natural parents.

1.4. Families are the building-block of society, and Jewish law and tradition highlights the centrality of the family to Jewish life. The Jewish tradition highlights the importance of family in the religious domain. The first commandment in the Bible is to have children. The survival of the Jews through thousands of years of dispersion was partly due to the strength of family life. However, the centrality of the nuclear family as an institution has been eroded. The breakdown of the family unit is an unfortunate feature of modern society, and in situations where this occurs, we must do everything possible to protect the interests of the children.

2. The role of both parents in the raising of children:

2.1. The Chief Rabbi has spoken publicly about the importance of children receiving support and attention from both parents, and since fatherhood is usually the neglected part of the equation in situations of breakdown, the uniqueness of fatherhood to the human species: "It's actually fatherhood that makes humanity different from most primate species. Usually it's the females who look after the young, while a few weeks after birth many males don't even recognise their own children. Motherhood is biological and almost always strong. Fatherhood is cultural and almost always in need of support. In fact I suspect that's why the Bible so often speaks of G-d as a father - not because G-d is male, nor in order to create a patriarchal society, but simply to moralise and dignify

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paternal responsibility. Like a good father G-d cares about his children. He protects them, listens to their hopes and fears, and when they turn to Him, He's there. Which is why we need to support both parents, even when they split apart. Children need time with both; and it's their needs that really count."

2.2. Each parent has something different to give to their children to contribute to their religious, educational, emotional, social and material needs, and it is important that both parents have the opportunity to give their children time.

2.3. When couples come to the Court of the Office of the Chief Rabbi for a divorce according to Jewish law, where appropriate they are encouraged to bear in mind the impact of separation on the children and the specific roles mothers and fathers have in their child's Jewish and general upbringing.

3. Jewish Tradition and Practice

3.1. In determining the rights of parental access to children, there are specific factors which stem from the beliefs and traditions of faith communities which need to be considered. The law refers to "meaningful contact", and this is given a particular context by the traditions and practices of faith communities.

3.2. The Jewish religion places a high premium on people spending time with their families and communities on specific occasions. These include the Sabbath (Shabbat) and festivals, where a child learns some of the most cherished practices, traditions and customs of the Jewish faith. In Judaism, there are certain commandments incumbent on men and certain incumbent on women, and therefore the child will only have a full Jewish experience, if he/ she witnesses both the mother and father practising the commandments.

For example on Simchat Torah, "the Rejoicing of the Law", which takes place at the end of Tabernacles in the autumn, children are encouraged to come to synagogue and celebrate the completion of the reading of the Torah. Another example relates to the festive meal eaten at Passover, where a child has a special role to ask questions relating to the Exodus from Egypt. Each week, the Sabbath has a very special place in the Jewish tradition and it can teach the child to appreciate the value of his/her heritage and provide the opportunity to spend time with family members and the community.

3.3. In Judaism, there are major restrictions concerning travel on Sabbaths (between sunset on Friday and nightfall on Saturday) and on major Jewish festivals, and these should be borne in mind when making access orders, particularly with regard to overnight stays.

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3.4. In addition to festivals and holy days, it is important for children to be able to experience life cycle events (both their own and those of relatives), and this will be facilitated by exposure to the families and social networks of both parents. Such life cycle events include weddings and Bar/ Bat Mitvahs (when a Jewish child comes of age and takes on the responsibilities of being an adult). It is therefore crucial that both parents are able to spend time with their children and share these experiences and occasions with them.

3.5. Looking at the cases of parental separation in the Jewish community, it is usually the mother that gains primary custody to the children, yet the father may be the main source of potential Jewish experiences to the child. In these situations, there is the prospect of the child being denied exposure to Jewish learning and education, which underscores the importance of both parents being involved in the child's upbringing.

3.6. Jewish tradition highlights the importance of family ties, and only by maintaining contact with both parents, will children be able to sustain relationships with both sets of grandparents and other relatives.

4. Closing remarks:

4.1. Of course, we are advocating the right of access to children for both parents on the basis that both parents are responsible, law-abiding citizens. Where this is not the case, the Courts will have to make a judgment on the safety of the children spending time with the relevant parent.

4.2. The Chief Rabbi's Office has received representations from the Jewish parents group, JUMP, who are seeking to maintain contact with their children following separation and divorce. We broadly support their aims and objectives.

4.3. Parenthood is a privilege but also a huge responsibility. Parents have a duty to children, as vulnerable members of society, to protect them and nurture them to adulthood. Hence it is the firm view of the OCR and the Chief Rabbi himself that both parents of the child, have a right to be involved in the child's upbringing (unless proven otherwise) and can make a contribution to their religious, educational, emotional, social and material welfare.