

Children lose contact with transgender parent because Orthodox community will ostracise them

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A judge has declined a transgender father's request for contact to see her five children, reluctantly concluding that the children could not escape the adult reaction to their relationship.

The judge himself described the ruling as a "bleak" outcome, but said that no court order had the power to make the Jewish Orthodox community the family emanated from more tolerant or accepting.

Charedi children are "educated to believe that the world is hostile to the Jewish community", the judge said.

The father, who was a member of the Jewish Orthodox community, petitioned for regular access to see the couple's five children.

She wanted to be "sensitively reintroduced to the children" and sought "regular and significant contact". She argued that "The opposition of the community should be confronted and faced down," an argument that the judge reluctantly rejected.

Since leaving the community "the father had been subjected to threats". Her offer to pay "modest child maintenance" was met with no response.

Mr Justice Peter Jackson said the "sad reality" was that he could see "no way in which the children could escape the adult reaction to them enjoying anything like an ordinary relationship with their father."

The 12 year-old child was "extremely anxious about contact" and would be placed under "extreme pressure" by the community's reaction, the judge said.

In contrast, the children themselves, he believed, would cope with contact: "Children are goodhearted and adaptable and, given sensitive support, I am sure that these children could adapt considerably to the changes in their father. The truth is that for the children to see their father would be too much for the adults."

The judge said that there was no "real prospect of a court order bringing about a beneficial alteration in the attitude of the community towards this family, even to the extent of some relatively limited normalisation of approach."

This "must be a subject of regret", the judge concluded, "not only for this family, but also for others facing these issues in fundamentalist communities, for whom this will be a bleak conclusion."

The mother decided that the impact of the children "having a relationship was worse than the impact of them having no relationship."

The judge said her decision was centred on the children but made "within the limited horizons of her upbringing".

In his ruling Mr Justice Jackson said the children's "identity is completely bound up with their place in the community" and that it was impossible to separate their needs from that religious identity. "If they left the community, it would have a huge negative impact," he found.

Deprivation of contact was a "last resort" and he described his own ruling as an "unwelcome conclusion" that the negative effects on the children of ostracism from their community would be greater than the benefits of contact with their father.

"I therefore conclude with real regret, knowing the pain that it must cause, that the father's application for direct contact must be refused."

It was not a "failure to uphold transgender rights" nor a "win" for the community", he said, but a decision to uphold the rights of the child to have "the least harmful outcome in a situation not of their making".

The judge strongly criticised aspects of the ultra-Orthodox community the family came from, citing one case where a 15 year-old girl who had been sexually abused in the community was ostracised and lost contact with all of her friends.

One foster parent said these "awful case studies" were not "standout cases" and this behaviour was "unchangeable" by local authorities, foster carers, courts and the law. The foster parent said "they will find a way around it."

Robert Bernard of the GesherEU Support Network, which supports those who leave the Charedi community, said the ultra-Orthodox "approach to religion leaves little or no room for personal deviations in the public realm" and said that the community would use "coercive" means to keep individuals within the community.

Mr Bernard gave evidence that "If one partner leaves the community, the community tries to minimise the exposure of the children to the outside world."

The older children attend single-sex faith schools and the schools "expect the children to be fully compliant with school rules", according to the minutes of a community meeting held to discuss the family's case.

A teacher at one of the children's schools said that "where there is risk of negative influences from the outside world to other children in the School, the School will experience tremendous pressure from the Parent body and the governors not to allocate a place to any child who will bring these potential risks."

[Read the full ruling here.](#)

Read the [New Statesman](#) on the intolerant attitudes in faith schools highlighted in the ruling. It reveals that the judge was so concerned that he sent a copy of his report to the schools minister, Nick Gibb.

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