ENGLISH FAMILY LAW AND THE INMIGRANT POPULATION: A NEW CHALLENGE

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1. *Introduction*

This article addresses the question as to whether familiy law in England should make provision for the peculiar religious customs and mores of various component ethnic communities. The question has become of crucial significance because of the introduction into England of large numbers of inmigrants from South Asia, in particular. who have traditionally enjoyed different expectations in their family life. These expectations are reflected in their attitudes to marriage, divorce, child custody and so on. Little attention has so far been given to the ethnic perspective of family law in England, and many of the reform proposals have failed to take account of this dimension. It has been pointed out by POULTER [1] that in the area of divorce law in particular, it is unfortunate to introduce reform without taking account of the religious beliefs, legal and moral values, traditional partices and expectations of the main ethnic minority communities in England. It is difficult to put figures on the numbers involved, although the best estimate would be some 2.5 million people, or roughly 4% of the population.

In some countries the religious ideology of the State is bound to be reflected in the substantive legal rules. This is true, for example, of Pakistan, Israel and Eire. A dominant religious ideology, will inevitably spill over to dominate the family law. Although England has a family law which, to a large extent, has abandoned a connection with a particular ethnic group, privileges clearly exist and it is probably correct to say that the Christian ethic still plays some part in the underlying philosophy of the law.

Writing in 1897, de Montmorency remarked:

> «The creator took from Adam a rib and made it Eve; the common law of England endeavoured to reserve the process, to replace the rib and to remerge the personalities» [2].

This dramatic terminology is best illustrated by the common law duty of support. In the classic case of *Manby v. Scott* [3], Hyde J. said:

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[1] «Divorce in a Multicultural Society», 1989, 19, *Family Law,* 99.

[2] [1897] 13 LQR 187.

[3] (1663) 1 Keb 482, 1 Lev 4, 1 Mod Rep 124, O Bridge 229 1 Sid 109, King's Bench Division.

«... in the beginning, when God created woman and helpmate for man, he said, 'The twain shall be one flesh'; and thereupon our law says, that husband and wife are but one person in law: presently after the Fall, the judgement of God upon woman was, 'Thy desire shall be to thy husband for thy will shall be subject to thy husband, and he shall rule over Thee' (Gen iii, 16). Hereupon our law put the wife sub poteste vir [His wife] was bone of this flesh, and no man did ever hate his own flesh so far as not to preserve it».

As late as 1949, this ideology, the subordination of women to the patriarchy, permeated English domestic relations law [4]. In that year, the Court of Appeal decided that the savings from housekeeping money provided by the husband belonged to the husband [5]. Even the reversal of this case by the Married Women's Property Act 1964 retained the framework of the dependency of the woman. Section 1 of that Act established the principle that money derived from an allowance given to the wife by the husband, or anything bought with that allowance, is to be shared equally by the spouses. As FREEMAN [6] points out, the Act only applies if the housekeeping allowance is provided by the husband and there is in any event nothing in the Act to compel the husband to provide such an allowance. Thus it is suggested that there is a clear «gender assumption» in the Act which finds its basis directly from a patriarchal culture which is itself based on theological teachings. Indeed, it is argued by many, that that illustration is but one example of a continuing premise within which domestic relations law operates. Even protective legislation continues the model which has its roots in passages from Genesis [7].

In contrast to this view, there are those who argue that the Biblical framework has now all but vanished. HOGGETT speaks of a «concept of partnership in the 'firm of marriage'» [8]. As far back as 1949, DENNING, L.J., said:

«each is entitled to an equal voice in the ordering of the affairs which are their common concern» [9].

These sentiments place an increased emphasis on mutuality in the relationship between the husband an the wife. There is also some evidence of an acceptance of other relationship warranting legal recognition [10].

Little is therefore left in the English law which has a peculiarly Christian ethic. In the context of the termination of marriage, the view of the ecclesiastical authorities is best expressed by the Archbishop of Canterbury's group (1966) in its influential paper «Putting Asunder». This paper paved the way for divorce reform in the Divorce Reform Act (1969). The group said:

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[4] M. D. A. FREEMAN, «Legal Ideologies, Patrialchal Precedents, and Domestic Violence», in *State, Law and the Family, Critical Perspectives,* ed. M. D. A. Freeman (London, 1984).

[5] [1949] 2 KB 406.

[6] *Ibid.*, 65.

[7] K. O'DONOVAN (1979), «The Male Appendage - Legal Definitions of Woman», in S. Burman (ed.), *Fit Work for Women* (London, 1979); «Protection and Paternalism», in Freeman (ed.), *op. cit.* (London, 1984); and see generally *Sexual Divisions in Law* (London, 1985). See also A. SACHS and J. H. WILSON, *Sexism and Law* (London, 1978).

[8] B. HOGGETT, «Families and the Law», in R. N. Rapoport, M. M. Fogarty and R. Rapoport (eds.), in *Families in Britain* (London, 1982), 398 at 405.

[9] *Dunn v. Dunn* [1949], P. 98, Court of Appeal.

[10] Case law has made important inroads into this area. See generally M. D. A. FREEMAN and C. M. LYON, *Cohabitation Without Marriage* (Aldershot, 1983)) and M. L. PARRY, *Cohabitation* (London, 1981).

«The only Christian interests that need to be declared are the protection of the weak and the preservation and strengthening of those elements in the yaw which favour lasting marriage and stable family life; and these are ends which Christians are by no means alone in thinking socially important.»

This principle has encouraged some to oppose the reduction of the time-bar from three years to one year [11], to encourage perhaps the reintroduction in a more emphatic manner of the statutory requirement to take account of conduct when considering the reallocative functions [12], to build into the divorce law the defence of grave hardship to the respondent [13] and to encourage the development and extension of conciliation procedures both in court and out of court.

If the conclusion drawn here leads to the review that little is left of a specific Christian ethical base, the reason may well be that this Christian base has to a large extent been accepted and assimilated into the general domestic relations law. The challenge which is now faced is whether the advent of new religious ideologies and cultural norms should force a re-examination of the law. Should any cognizance at all be given to these religious precepts in the context of the administration of a supposedly State law? POULTER is typical of those who argue in the affirmative [14]. He says: «... at a time when the tendency is to move divorce further and further away from a system of rigid state control underpinned by traditional Christian values, the increased importance now being attached to personal autonomy in this field should encompass the moral and religious concerns of individuals and communities...». The thrust of this paper is to express agreement with this point of view, whilst at the same time to resist the demand to introduce separate consideration for different ethnic groups. Cultural pluralism does not mean separate personal laws.

2. *Pluralism*

The question which is addressed here is how well if at all has English law accommodated the mores and customs of these relatively recent immigrants? The answers to this question can best be given by two illustrations from substantive law. It is true that such a selection by definition is selective; nonetheless the selection builds up to provide a picture which in many ways suggests a transitional phase of development. No real systematic consideration has yet been given to the question [15]. A transitional period in the law is bound to appear as a collection of unrelated developments.

2.1. *Bars to Remarriage*

For some time in the early 1980's, a number of Members of Parliament collected evidence of abuse by some Muslim husbands who, having obtained an English divorce in a court, refused to divorce their wives by the traditional Muslim method known as the talaq. This is a unilateral pronouncement which in its classical mode brings the marriage to an end immmediately on termination. Although this is not the only method available to terminate a Muslim marriage, many women apparently find it

[11] s 1 Matrimonial and Familiy Proceedings Act 1984.

[12] s 3 Matrimonial and Family Proceedings Act 1984 (Matrimonial Causes Act 1973, s 25(1)(g).

[13] s 5 Matrimonial Causes Act 1973.

[14] See POULTER, «Divorce Reform in a Multicultural Society», 1989, 19, *Family Law*, 99 at 101.

[15] Although it would be wrong to ignore the important book by S. M. POULTER, *English Law and Ethnic Minority Customs* (London, 1986).

difficult if not impossible to secure another marriage if no divorce by the Muslim form has been performed. It is little use saying that a talaq is not necessary if the families concerned think that it is necessary. This presents clear opportunity for blackmail.

One MP in a debate in the House of Commons in 1984 referred to 5 cases which had been brought to his attention. These cases were by way of illustration [16]. In one case, the ex-husband demanded 5000 Pounds Sterling and the return of the wedding jewellery. In a second case, the man agreed to a religious divorce, but only if he did not have to pay maintenance and the wedding jewellery was returned.

Similar problems arise from time to time within the Jewish community, which have been resolved by the Court imposing substantial penalties in the form of lump-sum orders to reflect the husband's reluctance to free the wife in accordance with the religious requirements [17].

In 1984, Mr Leo Abse MP moved the insertion of a new clase which was then going through its Parliamentary stages. The clause read as follows:

> «Where a petition for divorce has been presented to the court, either party to the marriage may apply to the court at any time before decree absolute opposing the grant of the decree absolute on the ground that there exists a barrier to the religious remarriage of the applicant which is in the power of the other [party] to remove.»

A further clause gives the court power to grant a decree absolute when there are exceptional circumstances making it desirable for the decree to be made absolute without delay. This clause was modelled on a New York statute [18], although the New York statute is substantially more forthright in its approach. The New York statute states:

> «Any party to a marriage... who commences a proceeding to annul the marriage or for a divorce must allege, in his or her verified complain, that he or she has taken or will take, prior to the entry or final judgmen, all steps solely within his or her power to remove any barrier to the defendant's remarriage following the annulment or the divorce.»

The New York law defines barriers to the defendant's remarriage as those barriers recognised under the principles held by the clergyman or other minister who solemnised the marriage. This same officiant must certify in a sworn statement that he solemnised the marriage and that the plaintif failed to remove the barriers.

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[16] 1314 Hansard 925, 13 June 1984.

[17] *Brett v. Brett* [1969] 1WLR 487. In this case, the wife petitioned for divorce on the ground of her husband's cruelty. He was a wealthy man and he had told his wife that he had no intention of divorcing her by the Jewish form of divorce known as the get. This would thus prevent her from contracting a new marriage in an orthodox synanogue. The court used its reallocative powers to force the husband to divorce her by Jewish law. Willmer LJ awarded the wife a lump sum of Pounds 30,000 payable in two instalments: Pounds 25,000 within 14 days and the balance of Pounds 5000 in three months time if by then the husband had not granted her a get. Apparently, the husband gave the get and saved himself Pounds five thousand. (See «His Honour Judge Aron Owen», *The Jewish Chronicle,* September 12th 1986.) This case, understandable on its facts, appears to contradict the essential nature of the get, namely that it must be granted by the husband with free consent. Thus a get obtained under these circumstances may not be valid in any event by Jewish law. See B. BERKOVITS, «Transnational Divorces: The Fatima Decision», vol. 104, LQR (1988), 60 at 83, and the same author in «Jewish Divorce», 1989, 19, *Family Law,* 115 at 117.

[18] Bill no. 6423-B.

In contrast to New York, there is legislation in Ontario in 1986 which deals with the problem in a slightly different manner. The Ontario Family Law Act 1986 tackles the question at the point when the court must consider financial rellocation. The Act entitles a party to an application for a financial order (property, title or support), to file a statement indicating that he or she has removed all barriers that are within his or her control and that would prevent the other spouse's remarriage within that spouses' faith, and that the other party has not done so, despite a request. The difference between the New York legislation and the Ontario legislation is that whereas the New York legislation seeks to prevent the decree absolute, the Ontario provision in no way prevents the divorce; rather it seeks through financial inducements to ensure that the parties are free to remarry in accordance with their particular religious faith [19].

There is a body of opinion that reform along the lines of the New York or the Ontario law is appropriate in a society such as that in England. This point is strengthened by the fact that it is possible to create a marriage in accordance with various religious traditions creation of if the parties wish to choose this particular route [20]. Thus, as the marriage customs are recognised to an extent; why should we not recognise divorce customs?

But why should a law of civil divorce support the peculiarities of the religious yaws of those living in a secular society? First, it is not infrequent that parties to a marriage will change their faith or at least the religious observance of their particular faith. If this is to happen, is it appropriate that such a person should dictate either that the other party now follows the new religious customs, or indeed abandon the old ones. In an area so sensitive as religious belief, is it not more appropriate that the law should adopt a neutral stance of non intervention? Secondly, the New York approach will inevitably involve the clergymen who, so one may think, may have a vested interest in upholding the religious traditions of the particular community. Such a device inevitably promotes the orthodox tradition at the expense of the reformist ideology. Thus the State is seen as an active party in a religious dialogue. This can hardly be acceptable in a supposedly secular society. Perhaps the most important objection however is that the introduction of a New York or Ontario style «religious clause» is likely to recreate further allegations of conduct at a time when the clear policy of family law should be to remove conduct allegations between the parties to a disfunctioning marriage as far as possible, so as to concentrate on conciliation, the welfare of the children and the redistribution of the property and the assets of the marriage.

There will be those who, whilst accepting the force of the above arguments, nonetheless believe that the multicultural society such as that England has become should respect the religious practices of the communities, and a denial of these practices is in itself a discriminatory act. Further, it could be argued that in any event all that the proposed law seeks to do is to use the religious rules themselves so as to protect the weaker, that is the female, member of the failed relationship. As BERKOVITS says: «... a person should only be allowed freedom to remarry, with the assistance of civil law, if he or she grants similar freedom to the other party to the marriage» [21]. Unfortunately, this need not necessarily be the case. It may be the so-called «innocent» party who is the respondent and the petitioner-husband may be unwilling for whatever reason to initiate the Jewish get or pronounce the Muslim talaq. If the New York model is adopted this would prevent the civil divorce, and

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[19] The jurisdiction to enact laws relating to divorce decrees is solely within the realm of the Federal Government in Canada. Thus the Ontario Province could not have enacted a law similar in scope to the New York legislation.

[20] Marriage Act 1949.

[21] «Jewish Divorce», 1989, 19, *Family Law,* 115 at 118.

it would be the wife, the person the law is apparently trying to protect, who would suffer. Even the Ontario model would be less than helpful, if there was no real issue involved in the ancillary proceedings.

One solution is to encourage the parties to insert into consent orders in the court, undertakings by one or both of the parties to fulfil the religious obligations incumbent on them to bring the marriage to an end in religious law. Breach of the undertaking made in court by the party concerned is of course a contempt. The important point however is that the undertaking is a voluntary act by the party concerned. One problem which is often raised in connection with undertakings is that there may be no jurisdiction to accept an undertaking in a context where there is no basis for an order by the court. This may well an insurmountable hurdle, and the law of the point in England is far from clear. Nonetheless, there would appear to be no reason why such undertakings cannot be accepted by the court. The emphasis of course must be on the consent of the party to be bound by that undertaking. The balance can therefore be retained between enforcing secular laws and respecting religious duties.

2.2. *Arranged Marriages*

The second area which requires discussion is that of arranged marriages amongst the Asian population, and whether courts have been sensitive to applications by one of the parties to such a marriage to annul the marriage in certain circumstances. It has been argued, for instance by BRADLEY [22], that it is inappropriate for the English courts to consider of the different expectations of the Asian family. Alternatively, it could be argued that Asian family norms should be respected to the extent that the courts should acknowledge that such marriages are invariably arranged to a lesser or greater extent, and that therefore upholding such marriages actually involves the English court in assimilating into its family law structures the norms of the community in question. It is of course true to say that both arguments, if accepted as the underlying ideological stand, will prevent the court from annulling a marriage where one of the parties alleges that true consent has not been given.

An analysis of the cases in the 1970's suggests that judges reflected both views. Courts were indeed reluctant to annul marriages which had been arranged by parents or others even when there were allegations that pressure had been placed on one of them or possibly on both to enter into the marriage.

The question facing the court often presented itself in this way. Although there had been a religious ceremony as well as a civil ceremony of marriage, although the couple may actually have lived together in the same house, one of the parties (usually the wife) could not bring serself to consummate the marriage because of an aversion by her to any sexual contact with her husband. Thus, in Singh v. Singh [23] the woman actually refused to join her husband to commence their married life together because she found him abhorrent. The parties had not met before the marriage. She petitioned for a decree of nullity based, in part, on her own incapacity. The court took a very unsympathetic approach. There is a difference, it concluded, between saying, in effect, «I can't» and saying «I won't». Her petition on this ground was dismissed. The case illustrates an uncompromising stand to the cultural mores of the immigrant communities. In particular, it can be argued that the case perhaps fails to take account of the patriarchal power wielded by the elder generation when it comes to arranging marriages on behalf of their children.

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[22] «Duress and the Arranged Marriage» (1983), 46, *Modern Law Review*, 499.
[23] [1971] P 22.

Singh v. Singh was also a case which considered the test which should be applied by the court when faced with an allegation of pressure imposed on one or both of the parties to the marriage. Counsel for the wife argued that it would be unrealistic of the law to say that if she married her husband when her father pointed a gun behind her back, the marriage could be annulled because her will was overborne by fear, but that if she entered into the marriage when her father stood behind her without holding a gun, the marriage would be treated as valid. In both circumstances she would be marrying out of obedience to her father in the context of a community where the father's wishes carried with it the force of law. The court rejected this approach:

> «A sense of duty to her parents and the feeling of obligation to adhere to the customs of the community there may be, but of fear not a shred of a suggestion. Reluctance no doubt; but not fear.»

Going through a civil ceremony of marriage out of obedience to one's father was held not to constitute sufficient duress. This objective test to determine whether consent to a marriage had been vitiated was followed by other courts, but was subject to considerable criticism [24]. Nonetheless the courts appeared to have been influenced by the «floodgates» argument in restricting the circumstance when they granted decrees to cases where there was actual fear on the part of the petitioner, and where the cause of such fear lay within the narrow framework of danger to life, limb or liberty.

In 1983, the Court of Appeal, in an apparent return to the subjective test of the nineteenth century, has adopted a view more in sympathy with the circumstances of the family appearing before the court. In Hirani v. Hirani [25] the court said:

«The crucial question in these cases... is whether the threats, pressure of whatever it is, is such as to destroy the reality of consent and overbears the will of the individual. It seems to me that this case... is a classic case of a yung girl, wholly dependent on her parents being forced into a marriage with a man she has never seen in order to prevent her... continuing in an association... which they would regard with abhorrence. But it is as clear a case as one could want of the overbearing of the will of the petitioner and thus invalidating or vitiating her consent.» In attempting a formulation of a coherent policy, POULTER [26] distinguishes between proper and improper pressures. Thus he contrasts the threats of eviction and ostracism which accompanied the pressure imposed on the young girl in Hirani v. Hirani with the threat of withdrawal of financial support imposed on the bridegroom in another English case, Singh v. Kaur [27]. POULTER's view is that once evidence is provided of a family or possibly cultural background in which a strong reluctance of the part of one of the parties to enter the marriage has been overridden by «forces of oppression and domination», then the case for annulment should be established. The difficulty of course is to identify the «proper» from the «improper» pressures. There may be many cases, whether the parties be indigenous or immigrant, where a marriage is solemnised because of particular pressures imposed on the mind of one of the couple concerned. This pressure may be imposed by outsiders or indeed by the other party himself. A pregnant girlfriend might persuade a reluctant partner; a wealthy father-in-law might persuade an impoverished bridegroom; a religious father might persuade an obedient daughter. In all of these cases there may well be reasons for entering into

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[24] See *Singh v. Kaur* (1981), 11, *Fam. Law,* 152.
[25] [1983] 4 FLR 232.
[26] *Op. cit.* at 30.
[27] (1981), 11, *Fam. Law,* 152.

the union of marriage over and above the simple desire to get married. Hirani v. Hirani illustrates that the line between consent and lack of consent is crossed only when the «threats, pressure or whatever it is» overbears the will of the individual.

In Australia, interestingly, a similar approach to Hirani v. Hirani has been taken in the case of In the Marriage of S [28]. This was a case of a Coptic girl born in Egypt whose parents insisted on her marriage. The judge decided on the evidence that she had been caught in a «psychological prison of family loyalty, parental concern, sibling responsibility, religious commitment and culture that demanded filial obedience».

3. *Conclusion*

This paper has concentrated on two areas of the law. The trend in both areas has been a little ambivalent. It is true that both Parliament and the Courts have sought to ensure that members of the immigrant and ethnic minority communities are not unduly prejudiced by aspects of their personal laws of marriage and divorce which do not fulfil the received policy of English family law generally. Such considerations are bound to affect the traditional mores of the communities. Thus the doctrine of duress has now been sufficiently widened to provide redress for girls forced into arranged marriages by their families. This must be regarded as beneficial by those who feel that many of the personal laws carry within them blatantly sexually discriminatory provisions, as well as those who feel that integration within the community must be accompanied by a clearcut acceptance of the norms and values of the indigenous community, including the family law.

Yet there is another model, no less logical and based on historical precedents. This would suggest that those who follow particular religious or cultural norms should be encouraged to continue to follow them, especially when the structure of the family generally is going through a period of increasing tension and realignment. Thus it is in the «public policy» to enforce those values which actually support family structures. Such a model could provide a framework for the type of reform introduced in New York and Ontario and mooted in England relating to the requirement on the parties to remove the religious barriers for divorce.

A compromise position might be suggested here. This would be to accept the basic policy of an indigenous law for all, yet to acknowledge in addition that membership of a religious group or cultural group carries with it certain obligations, and thereby insisting that the privileges of the general community cannot be extended to those of the minority community unless and until they have complied with their own obligations. Once again, the argument advanced here would, for instance, prevent a man married in Muslim form from being entitled to a secular English divorce until he had completed the formalities of a Muslim divorce.

Both the second model, as well as this model, however, could well be attacked as being contrary to the fundamental principle that a secular law should not direct the performance of any religious duty [29].

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[28] (1980), 42 F.L.R., 94.

[29] See Article 9 of the European Convention on Human Rights: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief... It could well be argued that a provision similar to the New York provision would be contrary to this article. BERKOVITS argues that the reforms of the English law of divorce advanced in Parliament in 1984 would not be opposed to Article because (a) the get procedure it not a religious duty as such, (b) the proposed powers would not directly order compliance with a religious procedure, and (c) article 9(2) allows derogations which are necessary «for the protection of rights and freedoms of others».

It is nonetheless true that in England the secular and the religious are linked together in the historical framework to the development of the domestic relations law. Thus it could be suggested that an argument in favour of caution on the grounds that the secular and the religious must not mix, is to ignore history. Secular and religious have always mixed, as the introduction to this paper illustrated.

A second argument in favour of caution is based on the presence of certain unfortunate aspects of «preference». Discussing polygamy, LORD DEVLIN said:

> «Wheter a man should be allowed to take more than one wife is something about which every society has to make up its mind one way or the other. In England we believe in the Christian idea of marriage and therefore adopt monogamy as a moral principle. Consequently the Christian institution of marriage has become the basis of family life and so part of the structure of our society. It is there not because it is Christian. It has got there because it is Christian, but it remains there because it is built into the house in which we live and could not be removed without bringing it down. The great majority of those who live in this country accept it because it the Christian idea of marriage and for them the only true. But a non-Christian is bound by it, not because it is part of Christianity but because, rightly or wrongly, it has been adopted by the society in which he lives» [30].

DEVLIN exaggerates, even from the standpoint of the 1960's, the homogeneity of modern British society. There is no reason why the permissive approach of individual preference of religious and cultural values should not of itself be a choice taken by a particular society. The plea is that the debate should be moved away from preference of the society as a whole and placed firmly in the arena of preference of individual members of that society.

A third matter concerns schism. In England, a worrying development in recent years has been the call by some ethnic groups for the introduction of a system of personal laws [31]. Such proposals are based of course on the doctrine of pluralism in cultural religious identity. There is a feeling that the phenomenon should be reflected in the legal system. The worrying aspect however is the call for the introduction of separate religious courts which could pass judgement in the family law area and which, by contractual principles if no other, would be binding on the parties and enforceable in the secular courts. Such a development is indeed disturbing. Although Muslims and others are free to establish adjudicative bodies similar to the Jewish Beth Din, it is argued here that the secular authorities must have complete control over such matters as the granting or the refusal of divorce, of decisions relating to custody, of matters dealing with maintenance and property transfers, and of disputes involving intestate succession. But even then, the proliferation of religious courts is likely to create schismatic strains in the communities. It would be far preferable for the values of these communities to be reflected in the adjudicating processes of the uniform civil courts.

Writing in 1982, HOGGETT said:

> «... private family law is willing to tolerate and accommodate an ever-increasing variety of personal relationships and life-styles... [the] diversity and

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[30] *The Enforcement of Morals* (1965), at 9.

[31] For a discussion see the Report of the study project to the Churches' Committee on Migrant Workers in Europe (Expert Group on Islam), in «Muslims in Europe», 35, *Research Papers* (1987) (Selly Oak Colleges, Birmingham). The «Salman Rushdie» affair has brought the question to the centre of political debate.

flexibility has been the product of a pronounced movement away from the collective security of the wider kinshipgroup and towards the exclusive conjugal unit» [32].

It is argued in this article that the diversity which is acknowledged to be present within the host community must be reflected also in the realisation that ethnic groups often display the support structure of a different age; nonetheless these aspirations and expectations require respect and support.

[32] B. HOGGETT, «Families and the Law», in R. N. Rapoport, M. M. Fogarty and R. Rapoport (eds.), *Families in Britain* (London, 1982), 398 at 409.