

Penguin  Readers

The Children Act



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CHAPTER ONE

A declaration

London. A Sunday evening in early June. Fiona Maye, a High Court judge, was sitting back on a **chaise longue** at home, staring over her feet at the far end of the room. There, by the tall window, stood a bookcase, and on its far side, the fireplace, which had not been lit in more than a year. Next to the window, hung a small painting by Renoir, which she had paid fifty pounds for over thirty years ago. It was probably not a real Renoir. Below it, on a round wooden table, stood a blue vase. She could not remember how she had got it, nor when she had last put flowers in it. A large shiny piano stood in the corner of the room with family photographs on top of it. And on the floor next to her was the **draft** of a **judgment**.

In Fiona's hand was her second **whisky** and water. She was feeling shaky, still recovering from a bad moment with her husband. She did not often drink, but today it was helping her to feel calmer, and she thought about getting herself a third. But less whisky and more water this time because she was in court tomorrow, and she was duty judge now – she had to be available for any sudden demand, even as she lay recovering.

Her husband had made a shocking **declaration** and put an impossible weight on her shoulders. For the first time in years, she had actually shouted. "You **idiot!** You **bloody** fool!" She had not **sworn** since visiting her cousins in Newcastle when she was young.

And then she'd said, "How could you ask that?" but he'd answered calmly, "I need it. I'm fifty-nine. This is my last chance. I've not yet heard **evidence** about an afterlife."

She'd simply stared at him, lost for a reply. Finally, she'd said, "Jack, this is too crazy."

"Fiona, when did we last have sex?"

When did they? He had asked this before, although not in this kind of mood, but the recent past had been so busy that it was difficult to remember. The Family **Division** of the court was full of strange differences, special demands, half-truths and half-lies, and angry **accusations**. All the information had to be collected and understood speedily. Last week, Fiona had heard final **submissions** by the lawyers of divorcing **Jewish** parents about the education of their two daughters. The draft of her finished judgment lay on the floor beside her.

And then tomorrow, coming before her again in court, would be a different **case**. A mother, an English woman, thin, pale, highly educated. She was the mother of a five-year-old child who she was sure was about to be taken out of the country by the father, a Moroccan businessman and strict Muslim, to a new life in Rabat. After that, there would be the usual accusations and arguments over **residence** of children, houses and money. Parents soon learned the new vocabulary of the law and were amazed to find themselves in an angry war with the person that they used to love. And waiting away from the stage, boys and girls, worried little Bens and Sarahs, standing close together while the gods above them fought to the end. From the Family Court, to the High Court, to the Court of Appeal.

There was a sadness to all of it, but it continued to interest Fiona. She felt that she brought **reasonableness** to hopeless situations, and generally, she believed in family law. She thought it was a mark of human progress that the child's **interests** were now put above its parents'. Her days were full, and recently, her evenings had been, too. Lots of dinners, a concert at Kings Place (Schubert), taxis, tube trains, a letter to draft about a special school for the cleaning lady's son who had learning difficulties, and finally sleep.

Where *was* the sex? At that moment, she couldn't remember.

"I don't keep a record," she replied, finally.

He spread his hands – she had proved his case.

She'd watched as Jack crossed the room and poured himself some whisky. Recently, he'd been looking taller, easier in his movements. When he turned his back to her, she felt the possibility of his rejection; she would be **humiliated** by being left for a younger woman. Of being left, useless and alone. She wondered if she should simply agree to anything he wanted, then quickly rejected the thought.

He'd come back towards her with his glass. He did not offer her a drink the way he usually did around this time.

"What do you want, Jack?" she asked.

"I'm going to have this **affair**."

"You want a divorce."

"No, I want everything to be the same. No lies."

"I don't understand."

"Yes, you do. Didn't you once tell me that couples in long marriages become like brothers and sisters? That's us, Fiona.

We've arrived. It's comfortable and sweet, and I love you, but before I drop dead, I want one big **passionate** affair."

She breathed in hard, and he must have thought that she was laughing. "**Ecstasy**," he said, angrily. "Remember that? Almost fainting with the **thrill** of it. I want to do it one last time, even if you don't. Or perhaps you do."

This was when she had found her voice. She swore at him again and told him how stupid he was. She had a strong hold on what was meant to be right. That he had, she knew, always been **faithful**, made this suggestion even more crazy. Or if he'd been unfaithful in the past, he'd hidden it brilliantly. She already knew the name of the woman. Melanie. She knew that she could be destroyed by this affair with this twenty-eight-year-old **statistician**, who worked with him at the university where he was a **professor** of History.

"If you do this, it will be the end for us," she had said. "It's as simple as that."

"Is this a **threat**?" he asked.

"No, it's a promise."

By now, she was angry again. And it did seem simple. The moment to make this declaration about wanting an open marriage was before the wedding, not thirty-five years later. To **threaten** everything they had so that he might relive a small thrill? When she tried to imagine doing something like that herself, she could only think of trouble, secret meetings, disappointment. Then the necessary separation from that person, and nothing would be the same when she came away. No, she preferred an imperfect life, the one she had now.

But sitting here now on the chaise longue, she realized how awful the insult had been. How he was prepared to pay for his thrills with her unhappiness. She had seen him be determined in the past, but this was new. What had changed? He stood tall in front of her as he poured his whisky, his free hand moving as if he was listening to a tune inside his head. Some shared song perhaps, but not shared with her. Hurting her and not caring – that was new. He had always been kind, and kindness, the Family Division had shown her, was the most important human quality. As a judge, she, Fiona, was able to remove a child from its parents, and she sometimes did. But to remove herself from an unkind husband? When she was weak and sad? Where was her own judge to offer her protection?

Self-pity in others embarrassed her, and she didn't want to feel it now. She would have a third drink instead. But she only poured herself a small amount of whisky, and put a lot of water in it. Then, she returned to the chaise longue. Yes, it had been the kind of conversation for which she should have taken notes. It was important to remember each insult. When she threatened to end the marriage if he had the affair, he had just repeated himself. He had told her again how much he loved her and always would, that there was no other life than this. But his un-met **sexual** needs were causing him great unhappiness. There was this one chance, and he wanted to take it, but he wanted her to know about it and to give him her **permission**. He said that he could have done it "behind her back". Her thin, unforgiving back.

"That's good of you, Jack," she said, coldly.

"Well actually . . ." he said, but did not finish.

She guessed that he was about to tell her that the affair had already begun, but she could not bear to hear it. She did not need to. She could see it. A pretty statistician hoping that he would stop wanting to come home to his angry, unhappy wife. A sunny morning, a strange bathroom, Jack pulling a clean shirt over his head in that way he had, and another shirt being thrown towards the washing basket. It would happen, with or without her permission.

“The answer’s no,” she said, simply. Then she’d added, “What else do you expect me to say?”

She felt helpless and wanted the conversation to end. She’d already made her judgment in the case of the two Jewish schoolgirls, but she needed to read through it one more time to check for any small mistakes. Outside, the summer rain beat against the windows, and she could hear wet car tyres below their apartment on Gray’s Inn Square. He would leave her, and the world would go on.

His face had been tight as he’d turned to leave the room. At the sight of his back she’d felt a cold fear. She would have called after him, but what could she say? “Hold me, kiss me, have the girl.” She listened to his feet walking down the hall, then the sound of their bedroom door closing.