

Given policymakers' self-understanding as technocratic believers in 'what works', attempts to identify and interrogate the normative dimensions of public policy – both ends and means - are always welcome. And Mortimer, McKeown and Singh (2018) are right that early intervention policies raise particularly difficult and fundamental ethical issues about the proper allocation of responsibility for children's wellbeing. We offer three observations about their approach. First, they accept the terrain defined by a particular policymaking agenda and thus operate with a limited model of what is at stake, normatively speaking. Second, they adopt a particular – albeit commonsensical - picture of the relation between parents' rights and social justice which unhelpfully focuses on conflict rather than complementarity between the two. Third, they should not expect careful philosophical analysis to yield conclusions consonant with the plurality of conflicting outlooks actually held by those to whom the policies will apply.

First, Tommie Shelby (2016) usefully distinguishes between two normative ways of looking at social phenomena. The *medical model* holds constant certain assumptions about background conditions, describes some salient or disconcerting features of the problem, identifies some particular factor(s) that keep(s) the problem in place, and proposes a remedy to address it. The *systemic injustice* model, by contrast, does not take as given the institutions that frame the problem but subjects them, too, to ethical scrutiny. Both approaches are genuinely normative and both yield prescriptions. Both have virtues and may be appropriate in different contexts. On its own, however, the medical model encourages status quo bias and blindness to injustice in the background distribution of advantage.

With the notable exception of Marmot's work, the literature surveyed in the article seems to approach the questions surrounding early intervention through the medical model alone. Two features of the discussion suggest this. First, that literature tends to understand outcomes largely in terms of economic success, and the problem is framed in terms of equality of opportunity and social mobility. The structure of positions itself - in which children are born to families with very different levels of resource and inequalities of outcome are large - is taken as a given; the problem is that people have unequal chances to 'win'. The systemic injustice framework, by contrast, would subject the reward schedule itself to criticism. Second, the discussion of causation seems unduly limited. The authors say that the documents they studied regard bad parenting as the main causes of bad outcomes, and that 'There is general agreement across the corpus that parents are assumed to be responsible for child wellbeing in the first instance, since in the absence of information to the contrary they have sufficient power to create good outcomes for their children regardless of social factors'. Such 'general agreement' would be unlikely to arise from a careful assessment of the situation using a systemic injustice framework.

From that perspective a variety of causal factors would be noted. The disadvantages that usually accompany poverty include not only low quality education, but social exclusion, job and housing insecurity, worse public safety, greater vulnerability to poor physical and mental health, exposure to high-interest debt, and increased stress. All these affect not just one's own wellbeing and agency, but one's ability to raise one's children well. These are causes of bad parenting, and, independently, of the greater risk of bad outcomes to which poor children are subject. The reward schedule itself – which need not be limited to the distribution of income and wealth but might include also the distribution of cultural capital, for example – is a causal factor generating that greater risk of bad outcomes. So is the behaviour of middle and upper-middle class parents who choose to restrict their own, and their children's, interaction with those who are less

advantaged. Rather than remaining on the terrain defined by the medical model literature, a full-blown ethical analysis of early intervention policies would keep all these factors in the frame.

Second, the authors worry that the literature surveyed does not adequately recognize the interests of parents. In their view, policy has been driven too much by a concern to protect “child welfare and ensuring equitable life-chances” and has failed to acknowledge that State responsibility must be “constrained by other ethically important factors”. Indeed, “by exploiting a seemingly liberal and compassionate ‘no blame’ narrative which sees parents as the victims of circumstance, the policy documents are able to advance proposals which, under examination, actually pay scant regard to the justified interests parents have in autonomy and freedom from interference from the State”. These comments suggest a familiar picture of the relationship between social justice and parents’ rights. In one corner, social justice, which commands a concern for child welfare and considerable equalizing of opportunities; in the other, parents’ rights which properly constrain the state’s attempts to achieve them.

Though familiar, this picture is very problematic. When what parents want and what children need conflict, it is hard to justify giving priority to the former. Children are vulnerable and dependent; typically parents have chosen to place themselves in the role of protector and carer, at least in the minimal sense that they had the option to give the child up for adoption at birth. To give much weight to parents’ wants seems to disregard the asymmetry of the situation. The issue is more complex when the concern is more distinctively egalitarian. (We would have liked the authors’ analysis to distinguish more consistently between an absolute concern for child welfare and a comparative concern for more equal opportunities.) But even here we think that analysis would benefit if the picture were differently drawn.

For us, the rights that parents have over their children are grounded entirely in children’s interests (Brighthouse and Swift 2014). Where parents have a valid claim to “autonomy and freedom” in the way they conduct their family life, that is because, and in so far as, their being granted that autonomy and freedom is in children’s interests. That does not mean that familial relationships only serve children. When things go well, family life produces profoundly important benefits for all participants. For children these include the care and attention given to their developmental interests and their interest in having a good childhood, by responsible and capable adults who love them; and the goods of being in a lasting committed loving relationship with adults who are overseeing their growth into adulthood. For adults they include the experience of overseeing the growth and development of persons who will, ultimately, become independent of them. We call these goods familial relationship goods. For children they are the *sine qua non* of their long term flourishing, and for many—we think for most—adults the goods they get from being in this kind of relationship are very valuable and could not be substituted for by any other.

Notice our caveat – the goods are produced *when things go well*. And, for us, providing the conditions and resources needed for things to go well for families is *part of what justice requires*. The family is part of social justice, not in conflict with it. Familial relationship goods are among the goods that a theory of justice should be concerned to distribute justly. So one of the arguments for redistributing resources, and reorganizing social life, to eliminate poverty and achieve a more egalitarian society is that doing so makes the goods of family life more readily available to more people, and gives them a fairer chance of enjoying those goods. If we are right,

then the question is not so much whether early intervention policies observe constraints set by the rights and interests of parents as whether they succeed for children and parents – and one key criterion for success is the establishment and maintenance of healthy familial relationships.

Third, we entirely agree that philosophical reflection can improve policymaking. But we worry when they say: “unless we closely interrogate the underlying values and assumptions in ostensibly ‘obvious’ policy initiatives, we run the danger of subverting the plurality of values and political outlooks held by the society in which the policies are implemented”. That seems to be asking philosophy to do something that it shouldn’t, indeed cannot, do. Like the outcome of scientific enquiry, philosophical results often revise, and sometimes outright contradict, the values and political outlooks held in the society to which they apply. We believe this is true on the matter of parents’ rights, but it applies quite generally. Close interrogation of underlying values and assumptions may just as well lead one away from public opinion as towards it, and it may do nothing to resolve disagreements.

Ethical theory is not thereby anti-democratic, or unhelpful. What options are feasibly available to decision-makers is already influenced by the values that are held by the population.

Philosophical analysis can help decision-makers see what values are really at stake when choosing among the available options, and this can help them identify the evidence they need to gather (and can help social scientists learn what research they should do if they want to provide information relevant to making those choices) (Brighouse, Ladd, Loeb and Swift 2018). One of the values that a good theory will show really matters (whether the public believes so or not) is that political decision-making should try to meet some standard of democratic legitimacy. So even though a philosophical analysis may show that public values are mistaken, it won’t simply give decision-makers license to subvert them. Still, taking that value into account, and within the feasibility constraints set by the democratic public, policymakers should be guided by the best understanding they can get of what values really matter, not by those empirically endorsed in the society they are seeking to influence.

Brighouse, H., Ladd, H.F., Loeb, S. and Swift, A. 2018. *Educational Goods: Values, Evidence and Decision Making* (Chicago UP).

Brighouse, H. and Swift, A. 2014 *Family Values: The Ethics of Parent-Child Relationships* (Princeton UP).

Mortimer, R., McKeown, A. and Singh I. (2018) Just Policy? An Ethical Analysis of Early Intervention Policy Guidance (*American Journal of Bioethics* ??)

Shelby, T. 2016 *Dark Ghettos: Injustice, Dissent and Reform* (Harvard UP).