

CHAPTER 11

Family Ethics and Child Welfare

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Abstract: In modern philosophy, family ethics has developed as a separate field of study. Central questions in family ethics are what a family really is, how parents have a right to decide over their own children and how children have a right to a family. In this chapter, I focus on a well-known version of family ethics, namely Brighouse and Swift's (2014) influential 'justification of the family'. If their arguments are plausible, then they have significant implications for how child welfare workers should work with children and their families. The aim of this chapter is to discuss Brighouse and Swift's position critically, in order to assess the justification of these implications. In a reasonable interpretation of their arguments, they seem to defend a general paternalistic attitude towards children based on the view that children are 'adults in progress'. But this defence fits poorly with important considerations in the exercise of power in child welfare and a modern view of children as competent actors. A possible strategy to salvage some of the strength of Brighouse and Swift's arguments would be to argue that the conclusions are meant to be tentative, and that they need to be filled in contextually in practical child welfare work. But the problem is that the conclusions do not even seem reasonable as *prima facie* guidelines for practice in the complex collaborative relationships child welfare workers are involved in. In the final section, I discuss how the arguments in the chapter affect the philosophical validity of Brighouse and Swift's views, while also illustrating a general point: some normative principles that may seem reasonable in some contexts of child welfare work may be unjustified in others. The extent to which such principles should guide practice must therefore be considered contextually.

Keywords: family ethics, child welfare, philosophy, paternalism, autonomy

Introduction

Child welfare (CW) work with families is dynamic and contextual. CW workers normally work in collaborative relationships over time, with complex relational problems and situations that can change to a great extent. Two situations that, on the ‘outside’, may seem quite similar, may to a large extent require different understandings and approaches ‘from within.’ It is the contextual reality – and often different understandings of reality – that will and should form the basis for decisions and actions (Munro et al., 2017; Munro, 2020; Fluke et al., 2021).

At the same time, there are some general principles that govern CW as a professional practice. These principles can be understood as the core of the framework that identifies CW as a form of social work. In CW work, working for the ‘best interests of the child’ is paramount, but also principles such as protection, participation, the principle of least intervention, the biological principle and developmental attachment are central (Berrick & Altobelli, 2018). CW workers have a professional duty to acknowledge and balance relevant principles and, particularly with regard to the ‘best interests of the child’, be able to document how they are interpreted and applied in justifications for important choices of action.

It is the profession-identifying principles in CW work that naturally receive most attention in the professional literature on the core tasks in this area of social work, and many of the principles are also incorporated in legislation. At the same time, there are other academic perspectives and concepts that constitute important approaches in CW work. These can come from different forms of theoretical and empirical research in fields such as the natural sciences, social sciences and humanities. A typical example is trauma-based care (TBC), an approach to practice that has received a lot of attention and is rooted in psychology, the natural sciences and social pedagogy (Ko et al., 2008; Conners-Burrow et al., 2013). Common to TBC and many other methodological perspectives on CW work is that they are grounded in the idea that research and professional development in other disciplines can be valuable resources in CW work.¹

1 There are many online resources that specify ‘practices’ for ways of working in CW and social work more generally. For TBO, see for example, The Importance of a Trauma-Informed Child Welfare System. In general, ‘external’ methodological perspectives in CW work are often put forward as thoroughly based on research, but critics have argued that it is not possible (or correct) to base many important decisions in CW work purely on the basis of findings in empirical studies.

In this chapter, I will explore an approach to CW work with vulnerable children and their families that is important, but which has not received much attention in the academic literature on CW. I will focus on family ethics – a branch of philosophical ethics that has been much discussed in recent years (Scales et al., 2010; Bøyum & Gamlund, 2017). The basic issue in family ethics is to clarify the moral status of a family as an entity with intrinsic value and a greater or lesser degree of autonomous rights.

Within family ethics, there are different theories that defend different views on the essential value of a family. It falls outside the scope of this chapter to go into the various approaches. I will focus on a well-known contribution to family ethics developed by Harry Brighouse and Adam Swift (2014) in their book *Family Values: The Ethics of Parent-Child Relationships*. A main aim of their book is to develop a view of how parents have the right to decide over their own children, ‘a basic justification of the family, understood as a way of raising children that gives parents an important sphere of discretion over their children’s lives’ (2014, p. 5).

The aim of this chapter is to discuss the extent to which Brighouse and Swift’s justification of the family seems reasonable as a normative position, with particular regard to ways of thinking about power, paternalism and children as competent actors. The discussion is particularly important in CW, because parents’ right to decide over their own children, and children’s competence and right to participate in decision-making processes that affect them, are key dimensions in this kind of social work. As I will show, Brighouse and Swift’s arguments have substantial significance for how CW workers should assess paternalism, parental cooperation and children’s rights and participation. If their arguments are sound, they also provide sound guidance on how CW workers should think and work with children and their parents.

Methodologically, this chapter falls under applied philosophy and, more specifically, critical discussion of normative theory. In applied philosophy, it is common to examine philosophical theories in-depth, to examine the arguments for the theories and the practical implications they have in given areas. This is especially important when a theory has been influential, as is the case with Brighouse and Swift’s justification of the family.² The discus-

2 Moreover, in a reasonable sense of ‘child welfare’, the theory falls under what can be termed ‘CW literature’. CW is an interdisciplinary area, and ethical theories about families and paternalism towards children can in themselves be important professional resources in CW work.

sion in this chapter is also based on the methodological assumption that if a normative position is reasonable, then it cannot have practical implications that are unreasonable. This is a general principle, so it is possible to use different areas of application to evaluate a theory. Consequently, if Brighouse and Swift's theory has unreasonable implications in CW work, then this constitutes a criticism of the theory.

Further on in the chapter, I first argue that Brighouse and Swift's arguments are very abstract, making it challenging to understand just why they believe that 'adults have a duty to manipulate and coerce children into doing what will be good for them' (2014, p. 70). In a reasonable interpretation, however, I argue that their arguments seem to be based on assumptions about paternalism and children that fit neither with a modern view of children as competent actors nor the contextual reality of CW work. Brighouse and Swift may attempt to defend their position by holding that they only want to develop some general conclusions that need to be critically interpreted in practice. But then the question becomes how these conclusions are to be understood in order to have substantial normative force. On a general level, an important conclusion of the discussion will be that it is difficult to grasp the reality of CW work – and provide valuable input for practice – if this reality is viewed through categorical lenses.

The philosophical defence of the family

Where Brighouse and Swift are concerned with the concept of family, they link this to questions about how families have the right to privacy and what interests parents and children have as families. For Brighouse and Swift, the interests go both ways. Parents have an interest in deciding over their own children, but children also have 'a crucial interest in a relationship in which they are subject to their parents' authority' (2014, p. 5).

Brighouse and Swift note that this needs to be qualified. The right is 'limited by the duty to provide what children need (and what *they* have the right to)' (2014, p. 5). Immediately, one may wonder what this implies. For what do children really need? In a narrow understanding, 'what children need' can be linked to basic primary needs such as food and sleep. In a wider understanding, one can go further up Maslow's hierarchy of needs, as it describes how some needs are more fundamental than others (Navy, 2020). It goes without saying that it requires less to meet children's

needs if 'needs' are understood as primary needs and not those higher in Maslow's hierarchy.

Another important point is that children are different, in age but also in maturity. It is obviously more often correct to decide over very young children than children who are soon to be adults. At the same time, talking about *children* as a uniform concept runs the risk of developing rigid analyses that do not fit with the variety of children. Children are different in many ways, including children of the same age.

Problems surrounding this type of complexity of key concepts will be a common thread further in this chapter. For now, it should be noted that it would be unfair to Brighouse and Swift to rely solely on an introductory reading of their view that children should be 'subject to their parents' authority. It would also be unfair to claim that they do not explain at all how they understand the idea of 'what children need'. Further on I will discuss their views in more detail, by examining their main arguments before linking this discussion more explicitly to CW work.

Children's rights

The basic arguments Brighouse and Swift present concern paternalism and the content of children's rights. The main argument is a conjunction: '[T]heir interests are such as to make them [children] appropriate objects of paternalistic treatment, and the most suitable setting for that treatment is the family' (2014, p. 67).

In relation to the first claim, they write that 'It seems obvious that paternalism toward infants and very young children is justified, since they lack any capacity for judgment and choice' (2014, p. 67). But this does not seem 'obvious', at least if one considers small children aged three or four. For example, it does not seem 'obvious' that children of this age lack the prerequisites to form relatively autonomous wishes about who they like to play with or how they like to spend much of their time in their homes or social arenas like early childhood education and care (James & Prout, 1997; Hutchby & Moran-Ellis, 1998; Wall, 2010).

The problem here is connected to the fact that Brighouse and Swift say that paternalism *is* (always?) justified (categorically). They do not say that paternalism *can be* or *is often* justified. It is important to remember that parents can act paternalistically towards their own children in ways that are clearly wrong. One can, for instance, imagine parents who use

gross violence against a very young child because they believe, subjectively speaking, that it is 'best for the child'. So a categorical view that paternalism is always justified is obviously incorrect.

It would be unfair to Brighthouse and Swift to claim that they are not aware of this problem at all. They refer to Freeman's (2007) well-known arguments for why children have many of the same cognitive capacities as adults and they accept these as 'facts' (Brighthouse & Swift, 2014, p. 69). Nevertheless, they believe that 'three observations support paternalism'.

The argument of autonomy

The first 'observation' concerns the prerequisites children have for making autonomous choices, as opposed to the assumptions Brighthouse and Swift believe adults have (2014, p. 69):

First, claims about children's competences should not be exaggerated. Although children are as good as adults at some things and even better at others, it does not follow that they can be agents in a more holistic way. Even quite young children can develop one capacity well, enabling them to make reasonably good decisions about a small range of issues, but that does not justify regarding them as authoritative about their own interests, or anyone else's, outside that small realm.

Now this is not so much an 'observation' as an argument, and an initial problem with the argument is that it seems too general. One can accept that adults are normally better equipped than young children to make knowledge-based, autonomous choices in a number of areas. But it seems unreasonable to believe that paternalism is justified (always?) in situations where children do not have the prerequisites to make fully competent choices. Adults are not always better equipped than children to be 'authoritative about [children's] interests'.

Another key point here is that there are differences between those who fall under the category of 'parents'. Parents may sometimes have wishes about what is best for their children that decidedly should not be respected. Examples may be preferences put forward by mentally ill or drug addicted parents that can be of great harm to their children. We must also distinguish between degrees of paternalism. As I will return to, it is not right for parents to override their children's wishes by using strong forms of force when little is at stake by allowing the children to act upon their wishes.

The same danger of categorical thinking relates to the concept of children. As already mentioned, it is difficult to talk about children as a unified category. Children are simply very different. The diversity of children raises major challenges for Brighthouse and Swift's position, and I believe that it could be possible to use facts about this diversity as a main resource in a critical analysis of their arguments. Further on in this chapter, the diversity of children will be relevant, but I will focus more directly on philosophical analyses of power and paternalism in CW contexts.

The argument about consequences

Problems surrounding categorisations are also relevant in the evaluation of Brighthouse and Swift's next argument, which is as follows:

... the special goods of childhood speak in favor of maintaining a paternalistic structure ... Providing children with agency rights that employ responsibilities, even if they are capable of the agency in question, may not be an unalloyed good for them, because the responsibility may bear on them in a way that deprives them of a good specific to their stage in life. (2014, p. 69)

Immediately this seems unintuitive. To use paternalism is to use power, and should one use power against other persons simply because they should not have to be responsible for what they would otherwise have chosen to do? The same line of reasoning could apparently have been used as an argument for (so to speak) imprisoning adults for life, because they then avoid the 'burdensome' freedom to choose and take responsibility for their own actions as ordinary citizens. But this, of course, is unreasonable. We value freedom more than imprisonment.

The problem is that it is difficult to see the crucial difference between adults and children in this respect. Children, as with adults, and even including young children who have reached a certain age, have, by and large, an interest in making a variety of free choices. Of course, there are some choices children are happy they do not have to make (but adults can also be happy not to have to make a lot of choices). But that does not support the *general* view that children want adults to decide for them.

Another important point is that there is a difference between influencing children's choices by supporting and helping them, and exercising paternalism over children. Giving good explanations in communication with children, and creating and securing relations, can help strengthen

children's competence to make autonomous choices, but it is not paternalism. Moreover, we must distinguish between degrees of child paternalism. Strongly encouraging children to do something is a milder form of power than commanding them. An extreme position would be to argue that strong use of power is justified to safeguard children's interest in not having to decide for themselves. I do not mean to argue that this is Brighouse and Swift's view, but the point is that their argument, as stated, does not exclude this interpretation.

The argument of liability

Brighouse and Swift's third argument is also unconvincing. They argue that giving children the responsibility to make their own choices can be so burdensome or resource-intensive that it affects their other developmental resources. They use as an example children who are prematurely accepted into the labour market and who are 'unlikely to reach the levels of literacy and numeracy that would enable them ... to reflect on their life situations to make the best of them' (2014, p. 69). But then in the next sentence, they draw a parallel that is more problematic: 'Similarly, too much responsibility too early may be detrimental to the child's healthy emotional development.'

In a way, it is not hard to accept this, but what exactly is meant by 'too much'? We can all agree that 'too much' is 'too much'. But what is 'too much'? From what Brighouse and Swift say, it seems that they mean to argue that even a little bit of responsibility is too much for children, so that it becomes important for parents to have a general paternalistic attitude. This is also supported by their summary of the three arguments I have presented. They conclude that, 'in broad terms, adults have a duty to manipulate and coerce children into doing what will be good for them' (2014, p. 70).

In sum, it seems clear that Brighouse and Swift understand 'parents' right to decide' in a broad sense. Above I pointed out that they make an initial reservation about respecting what 'children have a right to'. In light of what we have now seen, it is reasonable to assume that they understand this right narrowly. Their conclusion seems to be that parents to a very large extent can and should decide over their own children. But this conclusion seems counterintuitive, and I have argued that the premises for the conclusion do not seem reasonable.

Degrees of power

I have so far presented and discussed some of Brighouse and Swift's main arguments for their 'justification of the family'. It might have been possible to go into more depth in relation to the arguments, but a main point should be clear: It is difficult to defend a *general view* of how parents have the right to decide over their own children. Further on I will elaborate on this point in more detail, by focusing on paternalism, children's rights and the complexity of practical CW work.

Paternalism

In the philosophical debate about paternalism, theorists have developed a number of distinctions. One very important one is the distinction between paternalism over (1) wishes that are not autonomous, and (2) wishes that are largely based on autonomous considerations. The latter form of paternalism is not only highly problematic in relation to legislation that emphasises participation and freedom of choice. It also fundamentally violates the philosopher Kant's influential moral imperative to respect other people's autonomous wishes, as this kind of thinking is also central in ordinary CW work (Nordby et al. 2021).

Wulff et al. (1990) describe the two forms of paternalism, (1) and (2), as genuine and undesired paternalism. While the former is paternalism over persons 'whose autonomy must be regarded as abolished or diminished to varying degrees,'

... the form of paternalism that creates serious ethical problems, is undesired paternalism. That is, the situation of acting paternalistic over an autonomous person who has not asked for this course of action. There can be no doubt that, from a Kantian point of view, it is always morally reprehensible to disregard the autonomy of the individual.

The ethical problem of not accepting autonomous wishes is general. In any discussion of how paternalism can be justified it is therefore relevant to focus on the concept of autonomy. One needs to make assumptions about a person's autonomy in order to determine the justification of paternalism. This is thus also relevant in considerations of how parents have a right to overrule their children's wishes. It is, independently of other considerations, more justified for parents to act paternalistically in situations where children do not express very autonomous wishes than in situations where

children express autonomous wishes. The same kind of considerations about autonomy are fundamental in CW work, when CW workers need to decide whether children's wishes or parents' wishes should be accepted. It is, independently of other considerations, more justified to be paternalistic when children or parents do not express autonomous wishes.

Here the qualification 'independently of other considerations' is important. How much power it is justified to use can never – even in the case of genuine paternalism – be assessed in a vacuum. It can never be right to act paternalistically *just* because other persons' wishes are not very autonomous. The degree of paternalism – the actual exercise of power – depends on what is at stake by allowing others to act in accordance with their wishes. The justification for paternalism must always be weighed against the consequences of letting others decide. It is not justified to override wishes that are not very autonomous – if, for example, they are expressed during intoxication or strong affectivity – if complying with the wishes has no negative consequences.

In other words, the degree of paternalism must always be assessed against two dimensions. One is how autonomous the wishes are. The second is what the consequences will be of letting others act upon their wishes. It is a sound ethical and legal principle – which is central also in CW work – that the greater the negative consequences of letting others act as they wish, and the more they have lost (or never had) the ability to make autonomous choices, the more justified it is to act paternalistically. But this also applies the other way around. If a person, including a child, has relatively autonomous wishes and if letting the person act upon these wishes will not have a substantial negative impact on the person or a third party, then the person should be allowed to act upon the wishes.

Ethically, these are general principles that should not be linked to formal frameworks such as age but rather to a person's actual competence to make reflected choices in a given context. In CW work, this is acknowledged in principles that emphasise the importance of making individual assessments about autonomy. This may, for instance, result in situations in which a 12-year-old is considered to be more reflective about his or her own care situation than parents with limited abilities to understand what is best for their child.

More generally, there are often difficult considerations that must be made in CW workers' assessments of paternalism in relation to parents or children, not only about their real competence to make autonomous choices

but also about the risk of negative consequences. In some situations, there is a lot at stake but time is not urgent, so that CW workers have time to make thorough and systematic risk assessments, often by using models for calculating risk. In other situations, CW workers can or must make more informal assessments ‘there and then’, either because it is highly unlikely that the negative consequences of letting parents or children decide for themselves are very serious, or because action must be taken quickly. This complex and dynamic dependency of assessment of power and consequences is crucial, both in ethics and law, but it cannot be traced in Brighthouse and Swift’s arguments for paternalism in relation to children.

Autonomy and participation

In Brighthouse and Swift’s defence, it should be said that they actually say something about autonomy and children’s right to decide as important considerations. They write as follows:

The capacity to reflect on one’s life choices, to be aware that it is possible to live one’s life in very different ways, to make a reasoned judgment about which way is right for one, and to act on that judgment – that is indeed very valuable, and parents who raise their children in such a way that they lack autonomy do them wrong. (2014, p. 15)

There seems to be a tension between what Brighthouse and Swift state here about respect for children’s autonomy, and what they write about parents’ right to exercise paternalism, as cited earlier. For if parents are to respect and strengthen children’s autonomy, how can it also be correct that parents, as Brighthouse and Swift (2014, p. 70) say, ‘in broad terms’ should ‘manipulate and coerce children into doing what is good for them’?

As I understand Brighthouse and Swift, they believe that the idea that children can make many autonomous choices is counterfactual. They agree that *if* children could make many autonomous choices, then the wishes of children should be largely respected. But they believe that children do not actually have this ability. This is evident, for example, when they say they support Burt’s view of how

... children are adults work in progress. The reason we exclude them from the community of social and political equals is that they lack a range of social, emotional and cognitive capacities that cannot be developed apart from their subordination to caring adults ... the way we think of children and their needs determines the sort of authority we think it is appropriate to exercise over them. (Burt, 2003, p. 258)

Since they consider children to be ‘adults work in progress’, Brighouse and Swift believe that the principle of respecting autonomous wishes is not particularly relevant when it comes to children and that this justifies a fairly general paternalistic attitude. But this fits poorly with the widespread view that children can make a range of reflective choices in important areas of their lives. Since the beginning of the 2000s, the discussion about children’s participation has been characterised by a recognition that children are competent actors, and this recognition has become increasingly influential in CW work.³

Note also that even if one thinks that children can make autonomous choices to a very limited extent, Brighouse and Swift’s position is still incompatible with the assumption that wishes that are not very autonomous should be respected as long as respecting them does not have negative consequences. It is far too one-sided to say that children’s wishes can generally be overridden, in private or professional contexts, since they lack the prerequisites adults may have to make competent choices in many areas.

The same point about the danger of one-sidedness is relevant to other principles related to paternalism. Consider, for instance, the principle of child participation which is central in CW work. It is not controversial to hold that children should not be allowed to participate (in some given sense) in decision processes that concern them, if that participation has major negative consequences for themselves or others and if the negative consequences can be avoided by not letting them participate. But this does not mean that children, on a general basis, should not participate. Firstly, many children may be well-placed to understand the consequences of their own wishes and preferences. Second, there are many small (and big) choices children can make that do not have major negative consequences.

The importance of aiming for participation and dialogue is equally important in communication with parents. Even when parents have wishes that are considered to have negative consequences for their children, it is important for CW workers to use as little power as possible in the dialogue with the parents, in accordance with the principle of least intervention. Good dialogue and the use of explanatory skills can reduce the probability of conflict escalation that can result in conflicts so large that voluntary

3 In 1997 James & Prout argued that ‘[C]hildren must be seen as actively involved in the construction of their own social lives, the lives of those around them and of the societies in which they live. They can no longer be regarded as simply the passive subjects of structural determinations’. At the time, this was relatively controversial, but it has gradually gained ground as a widespread view.

cooperation seems hopeless. At worst, poor professional communication can contribute to worsening children's care problems.

Child welfare practices

A methodological point in the discussion so far has been that the strength of philosophical conclusions depends on how well they are justified 'from above', based on premises in arguments for the conclusions. I have looked at key arguments in Brighouse and Swift's justification of the family and raised objections to them. These objections touch not only on the philosophical basis of their position, but also on how justified it is as a normative position. If the premises of their arguments are unjustified, then the practical implications of their position are also unjustified 'from above'.

There is a supplementary approach to assessing normative theories, namely by assessing whether they have reasonable implications. Discussions of this kind are also, in an important and often underrated sense (at least in philosophy), linked to justifications of theories: If a theory has unreasonable practical implications, then this constitutes a criticism of the theory 'from below'. In this regard, it is important to remember that normative philosophical theories are normative in all contexts, unless the theories legitimately delineate contexts. *General* philosophical theories can be critically assessed in relation to different areas of practice, and how they seem reasonable in these areas has an impact on how justified they are.

To understand this applied, bottom-up form of justification of theory, we can draw a parallel to traditional ethical theories. Consider, for example, some specific kind of consequentialist theory that states that a certain type of consequence is decisive for whether an action is good. If this does not match robust intuitions about what is right and wrong in an area of practice, then this lack of correspondence cannot be detached from the rationale of the theory.

The same applies to all other normative ethical theories and all formal frameworks for action: How they apply in real life practical contexts is relevant for how justified they are. This cannot, therefore, be different when it comes to Brighouse and Swift's 'justification of the family'. In the following, I will discuss their views more specifically in the context of CW work, which is one of the most important arenas for applied ethics in work with children and their families.

The principles of child welfare

As in other professional contexts, normative implications for CW work, including norms related to paternalism and parents' rights to decide how their children should live, must not only be assessed in relation to a literal grammatical understanding of the linguistic expressions in norm formulations. Norms must be interpreted, sometimes quite differently in different contexts and often in relatively complex decision-making processes. The justification of the norm formulations must be assessed on the basis of how reality is interpreted, how the norm specifications in the formulations are interpreted and how reality matches these interpretations.

These methodological conditions raise fundamental problems for Brighthouse and Swift's 'justification of the family' as a normative position. If 'parents have the right to decide over their children' (or something similar) is proposed as a norm, one meets the above problems surrounding degrees of power, autonomy and children's right to decide a great deal for themselves in processes leading to decisions in accordance with the 'best interests of the child'.

An even more pressing problem is that if norms about parents' rights to decide over children are to find their legitimate place in CW work, they must be balanced against other considerations. It does not make sense to discuss them independently of other relevant aspects of the child's care situation. The norms must be assessed in a comprehensive understanding of the child's specific situation, where many different types of professional assessments come into play, at levels or rules, principles and/or theoretical analyses (Kitchener, 1984, Berrick & Altobelli, 2018; Munro, 2020).

Principles have received particular attention in professional CW work. I have already referred to ethical principles about evaluation of consequences and autonomy. These are general value concepts, just like the more common values of justice and solidarity. In addition, CW-specific principles are central to social work with vulnerable children and young people. The principle of the 'best interests of the child' is fundamental as an overall ethical compass, but principles such as protection and the 'principle of least intervention' are also central to CW assessments.

Any principle about parents' right to decide over their children will thus have to find its place among a number of principles, within the overriding principle of the best interests of the child. In CW work, it will typically be necessary to balance principles against each other because in isolation they

pull in different directions. How principles are to be weighed and applied must be assessed in a comprehensive approach where all relevant aspects of the child's care situation are taken into account. Consider, for instance, the principle of least intervention. An intervention in a child's care situation that the parents voluntarily endorse will normally be a non-invasive intervention, and it is a general goal in CW work to facilitate agreement and voluntary cooperation. However, if the parents' wishes are not considered to be consistent with the principle of the best interests of the child, then it may be necessary to override the parents' wishes for the child, so that the intervention is relatively invasive to the family.

All in all, the fact that parents have a right to decide over their own children in many situations is not controversial. What is harder is to determine when parents have this right and what the right involves. This is part of the professional challenge in CW work. When necessary, parents' wishes for their children must be set aside in the way the individual situation dictates – because considerations of the child's best interests weigh heavier.

Paternalism again

At the same time, it is an important principle that paternalism – also vis-à-vis parents – should be used as little as possible. It is always important to create and exploit potential room for agreement in dialogue towards cooperation. Both in the investigation and intervention phases of CW work, good communication with parents can be crucial, both relationally and informatively. Communication is a key to finding solutions, creating voluntary cooperation and avoiding unnecessary use of power. In all dialogue with parents, it is a goal for CW workers not only to gain a good understanding of the child's care situation, but also a shared understanding of the situation, and to base assessments and intervention on a platform of agreement as much as possible.

Again, it is striking how this does not fit with the arguments of Brighouse and Swift. How should the parents' right to decide over their own children be weighed against different forms of communicative strategies and interventions in CW work? CW workers need to think about what is in the best interests of the child. In their assessment of this, the parents' wishes for their children may of course be important, but complying with them is not a core principle, and sometimes the wishes, in isolation, are of little importance.

The problem is that Brighthouse and Swift's views add up to an either-or way of thinking. Either parents have the right to decide over their children or they do not. As mentioned previously, Brighthouse and Swift state that 'The right is limited by the duty to provide what children need (and what *they* have the right to)'. For one thing, this is vague. But more fundamentally, it would be to misunderstand how CW workers must not only assess when parents should be allowed to decide over their children, but also how they should be allowed to do so (when they should be allowed). It is not only considerations about what children actually need that form the basis for decisions about this. In two situations where the children's needs are relatively similar, other factors in the situations may be relevant.

A possible answer?

Is the criticism I have presented based on a misunderstanding? Was it never Brighthouse and Swift's intention to be normative in a substantive sense? Is their idea, perhaps, that their arguments are meant to be tentative, so that they need to be adjusted to various contexts?

In order to address this possible response it can be fruitful to clarify how applied ethics is a form of applied philosophy. What applied philosophy is can be understood in different ways, within conceptual, analytical and critical frameworks. The understanding that is perhaps most relevant in ethics is the methodological understanding of applied philosophy. Lippert-Rasmussen (2017, p. 11) defines this form of applied philosophy as 'the use of specifically philosophical methods to explore issues outside the narrow set of philosophical problems'.

It is important to emphasise that applying philosophy is not the same as applying simple methods in other disciplines. To apply philosophy is to use philosophical perspectives – and not rule-based approaches – to shed light on questions in disciplines that do not initially fall within the pure philosophical disciplines of ethics, metaphysics, epistemology and philosophy of mind and language. Consider, for instance, consequentialist ethics and the consequentialist basic thesis that good actions are actions that have good consequences. Deciding whether an action has good consequences in any applied area cannot be reduced to following a methodical recipe. It must be determined in a given context, because what constitutes a good consequence will normally depend not only on the thoughts and

perceptions of the recipients of actions, but also the situation they are in. But this contextuality does not in itself undermine the principle of creating good consequences. It only clarifies the obvious point that the principle must be understood contextually.

Another example that has received a lot of attention is the Danish philosopher Løgstrup's principle that the natural starting point in communication is to meet others with trust and sincerity (Løgstrup, 2020). Løgstrup acknowledges that it may be right to set the principle aside. His point is that it requires a very strong contextual justification. There must be something that justifies the breach of trust inherent in departing from the principle. In health and social care, a number of positive 'virtue' attitudes have received similar attention. Some of them, such as securing good communication and meeting vulnerable people with care, are often regarded as so fundamental that they are enshrined in legislation as principles that can only be set aside if there is a special justification for doing so.

Much more can be said about applied ethics, but that falls outside the main goal here. The point has been to show that influential principles from philosophical ethics often have been considered to have an intuitive meaning and a natural appeal. But the idea that parents to a very large extent have the right to decide over their own children does not have a similar appeal. Nor is it the case that Brighouse and Swift's qualifications make the idea more reasonable. First, it is not, as shown above, clear how they think that parents' rights can be set aside. Second, their general approach seems to be that children are 'incomplete adults', so that paternalism is justified on a large scale.

All in all, the idea that parents to a very large extent have the right to decide over their own children does not seem like an intuitive general principle. This becomes strikingly clear in CW work, because CW workers need to base assessments and interventions on a number of considerations related to the best interests of the child. CW is therefore an arena where it is particularly easy to find counter examples to the idea.

Prima facie norms and thin meaning

The problems surrounding the normative force of 'parents' right to decide over their own children' can also be linked to what are often referred to as *prima facie* norms in ethics. In social work this is, as Reamer (2014) notes, often understood as:

... a norm that is binding or obligatory, other things being equal. Common examples include the duty to tell the truth, obey the law, protect people from harm, and keep one's promises. For social workers this would mean that we should not lie to clients about the circumstances in their lives or falsify records about them.

Prima facie norms are not 'absolute'; they can be set aside, but that requires a special justification. For example, it may be ethically acceptable to lie to a psychotic person to prevent them from seriously harming themselves or someone else.

So what if Brighouse and Swift's idea that (1) parents 'in broad terms should manipulate and coerce children into doing what is good for them' is understood as a prima facie norm? The problem is that if a norm is a prima facie norm, then the negation of the norm must seem unreasonable (Dancy, 1996). For example, if 'CW workers should communicate well with families' is to be a prima facie norm, then 'CW workers should not communicate well with families' must seem unreasonable. And this is so. But the negation of (1), that parents in broad terms *should not* manipulate and coerce children into doing what is good for them, does not seem unreasonable. Note that it suffices that the negation does not *seem* unreasonable. The point of prima facie norms is that they should have an immediate, striking appeal as reasonable and the negations of them as unreasonable.

Again, we can also draw a parallel to applied ethics and the principles of creating good consequences and expressing positive basic attitudes as examples of norms that seem reasonable, while their negations seem unreasonable. For example, 'CW workers should aim for creating good consequences for children' seems reasonable. But the negation, that they should not aim for creating good consequences for children, seems unreasonable. The problem is that there are simply too many exceptions to the idea that parents have the right to decide over their own children. Brighouse and Swift paint with a broad brush in an area that requires a contextual approach and the need to balance factors that can pull in different directions independently of each other.

Finally, it may be noted that it also does not help to appeal to a philosophical distinction between thin and substantive meaning. This distinction has traditionally been associated with indexicals such as 'I', 'here' and 'now', expressions that have a general meaning in our language but are filled in with substantial meaning contextually (Braun, 2015). For example, the

thin meaning of 'I' is what all uses of 'I' have in common in our common language, but the substantive meaning is what is filled in in each situation – who 'I' refers to depending on who is using the word in a context.⁴

Similarly, one might suggest, one could distinguish between a thin meaning of 'Parents have the right to decide over their own children' and a more substantive contextual meaning. But the problem is that the distinction between 'thin' and 'substantive' meaning is semantic and not an epistemological distinction connected to justification. Even if there was a thin meaning of 'Parents have the right to decide over their own children' that captures a general understanding, that does not mean that the claim is justified for that reason. To think otherwise would involve a categorical mistake that collapses the distinction between meaning and justification.

Conclusion

Children and their families can have very different needs for help and interventions from CW services. The nature of a given care situation strongly influences to what extent, and how, CW workers should let parents decide over their own children. That parents to a very large extent have this right is an abstract proposition that raises legitimate questions of how such a right should be understood and respected.

Brighthouse and Swift might attempt to defend their general approach by arguing that in ordinary families, the right is intuitive. But there is a kind of external control of parental practices even in ordinary families – typically in health centres, early childhood education and care, and schools. One must expect that Brighthouse and Swift agree that this should happen and that it can sometimes be right to radically restrict parents' right to decide over their own children. I have argued that CW work is an area that shows how these restrictions are substantially more pressing. The way it is necessary to balance principles and considerations under the umbrella of the best interests of the child strongly suggests that parent-child paternalism

4 Although the distinction between thin and substantive meaning is strikingly relevant in analyses of indexicals, this does not mean that the distinction cannot apply to other kinds of expressions. For instance, a type of general understanding of a natural kind of term like 'water' can be distinguished from the more substantial meaning that various speakers associate with the word based on their idiosyncratic horizons of understanding.

is far from justified as a general idea. Moreover, I have argued that the idea is not justified 'from above' in a way that possibly could outweigh these problems of application; Brighouse and Swift's arguments are not based on premises that seem reasonable.

In an important sense, the arguments in this chapter represent a defence of a comprehensive approach to children's needs, participation and interpretation of 'the best interests of the child'. In CW work, many considerations must be weighed against each other, and the validity of any particular principle or methodological approach must be determined contextually. Sometimes one gets the impression that theorists explicitly or implicitly 'contribute' to CW work too unilaterally, because they present normative views from academic traditions that do not capture the complex and contextual reality of CW work, a reality that CW workers actually have to confront.

A final and even more general point I would like to underline is that the discussion in this chapter illustrates how the status of normative theories cannot be detached from their application. Normative perspectives can sometimes be very abstract and tied to a loose and sometimes quite comfortable and noncommittal idea of 'overarching implications'. In my view, it is not unreasonable to claim that many academic discourses – of which the author of this contribution has also been a part for many years – are too detached from contextual reality. If one is really concerned with how normative views apply in practical reality, then one might sometimes discover that they are not so justified after all.

Author biography

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