Justice for Children and Families

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A Developmental Perspective

Edited by

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Contents

Part IV – Autonomy

Part V – Synthesis and Response

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Foreword

Michael Marmot

At a meeting in the US, I showed data on inequalities in the conditions that affect children's growth and development and their subsequent health. Somewhat histrionically, I said: 'These are your children. Concern for their well-being should be above politics. Republican, Democrat; I couldn't care less. Is there a politician in the land who would say that they do not care about children?' A voice called out: 'You'd be surprised.' It was, I must add, before the current administration.

I have been arguing that the level of health of a population, and the degree of health equity, are markers of how well a society is doing in meeting the needs of its citizens. How a society treats its children is surely another marker of a well-functioning society. To continue with the data I showed my American audience (updated), UNICEF in its Report Card 14 reports child poverty in rich (Organisation for Economic Co-operation and Development) countries, where poverty is defined as household income less than 60 per cent of the median. In Finland, Iceland, Norway, Denmark and South Korea, child poverty is between 9 and 11 per cent. In the US it is 29 per cent, not far below Mexico at 32 per cent.

Why should nearly the richest country in the world have such shockingly high levels of child poverty? Answer: because it chooses to.

To translate 'chooses to', UNICEF Report Card 14 shows child poverty before and after taxes and transfers (Innocenti, 2017). The Nordic countries achieve their low levels of child poverty by using the fiscal system – taxes, tax credits and benefits. In Finland, for example, taxes and transfers reduce child poverty by two thirds. In the US, child poverty is only reduced by 18 per cent. I said to my American audience: 'You live in a democracy, this must be the level of child poverty you want, otherwise you'd elect a government that did something different.'

Sick joke, considering that Barack Obama was in the White House at the time, and the current occupant has signed a tax bill that, over the next decade, will be sharply regressive. My audience looked uncomfortable. As well they might. The point is that society can take the decision to reduce child poverty to the 10 per cent level in Nordic countries, the 20 per cent level in the UK, or the 29 per cent level in the US. It is a societal choice with profound implications for the conditions in which children are born, grow and develop. Children's development, in turn, is causally related to health and health inequalities through the life course. The minister of finance may well have a bigger influence on child development and health inequalities than the minister of health.

Using the tax and benefit system to reduce child poverty would be important. All of us concerned with child health and development should have our voices heard as we argue for it. It is a matter of social justice. But that is not all that should, and could, be done. The present volume starts from a justice perspective and looks at other ways that the effect of social disadvantage on children can be mitigated through medical care, social services and the courts.

I take particular pleasure in this approach. I chaired the World Health Organization Commission on Social Determinants of Health (WHO, 2008). On the cover of our report we wrote: 'Social Injustice Is Killing on a Grand Scale.' We put empowerment at the heart of

what we were trying to achieve and said that it had three dimensions: material, psychosocial and political. Material: if you cannot afford to feed your children you cannot be empowered. Psychosocial: having control over your life. Political: having voice. Empowerment can act at the level of the individual, the community or, indeed, whole countries.

These are themes that are explored, in depth, in this volume – theoretically and practically. Following the philosopher Michael Sandel (2010), I have suggested three approaches to social justice (Marmot, 2015). The first, utilitarian, approach is maximising utility. One good feature of this approach is that it does not judge that justice is done simply by maximising opportunity. I call it a good feature because maximising opportunity is too often empty rhetoric. A fair distribution of resources – a prominent theme of this volume – is necessary but not sufficient. We know that in Britain social mobility has declined. Opportunity is given to them that have. Further, social mobility in Britain and the US is less than in many European countries. The reasons have much to do with income inequality (Wilkinson and Pickett, 2009). The more unequal incomes in this generation are, the less chance the next generation has of climbing the ladder out of poverty and relative deprivation (www.brookings.edu/blog/social-mobility-memos/2015/05/19/the-great-utility-of-the-great-gatsby-curve/).

By focusing on utility, an outcome, this approach to justice goes beyond some bland equality of opportunity words. My reservation is that it may be blind to distributions. Given that my central focus is inequality, that is a significant limitation.

The second approach to social justice, is maximising freedom. The approach taken by many authors in this volume resonates. Respect for the rights of the child and seeking to support the development of autonomy are entirely consistent with maximising freedom. There is, too, an emphasis on capabilities – itself an 'outcome'. In the Amartya Sen formulation, justice has to do with what people can be and do. A fair distribution of resources is a means to that end. I am very much taken with the legal notion expounded here that the child is a rights-bearing individual who becomes increasingly autonomous on the developmental journey towards adulthood.

Here, I would also place protection of the vulnerable in society. A developing child cannot enjoy freedoms that his rights enshrine if he or she is subject to abuse and damage. Protecting children at risk is providing them with the possibility of flourishing.

Sandel's third approach to social justice is rewarding virtue. Sandel counsels me that I do not give enough space and attention to it. Rewarding virtue is, of course, how much of our society is set up to function. My limitation with it is that we seem to reward 'virtues' such as greed and exploitation more than we do altruism and care for others.

A particular appeal of the present volume is its action perspective. We know the problems well: a damaged child is at greater risk, as he or she grows, of drug and alcohol abuse, mental illness, teenage pregnancy, becoming a perpetrator and victim of domestic violence and repeating the cycle of deprivation, poor social conditions and abuse that damage the next generation. The present authors have three clear messages: this cycle is not inevitable, we can intervene; doing so will take action by the justice system, medical and health practitioners, and social services; such intervention is a moral imperative.

I have alluded to many of the chapters. Here I quote from that of the Honourable Mr Justice MacDonald:

> Shulman, citing amongst others John Locke and William Blackstone, notes that the idea that it is society, through the agency of the State, that entrusts parents with custody of the child and that, accordingly, society in the guise of the State may intervene where parents fail to meet their legal

duty to take proper care of the child for the benefit of the child and, thus, for the benefit of society is deeply rooted in legal tradition and social conscience.

The duty of the State to assist parents and intervene where necessary in the development of their children is not only a duty discharged for the benefit of the individual child and his or her development but also a function of the need to maintain the integrity and development of society. The rules set in place by society to govern these social transactions comprise the laws administered by the family justice system, which laws may be enlarged or constrained as the wisdom or policy of the times may dictate.

If we take seriously the rights of the child – and social justice demands that we do – then society has a responsibility to do what it can to honour those rights. To settle an old score: there *is* such a thing as society. It is seen at its best in the chapters of this volume.

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