

How Bad Can a Good Enough Parent Be?¹

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Abstract: This paper aims to clarify an account of the good enough parent, a key concept in debates about the justification of the custodial arrangements of children, such as the family. The most plausible justifications of the custodial arrangements of children are offered by so-called Dual-Interest Views, which hold that both the adult's and the child's interests are relevant to such decisions. An implication of these views is that in order to retain custody of their children parents need only be good enough. However, they do not tell us how bad a good enough parent can be. This paper examines the considerations relevant to devising an account of the good enough parent and defends a particular account, which enables us to identify sufficient reasons to remove children from the custody of their parents. The paper also draws out the implications this account has for historical controversies involving the large-scale redistribution of children and for practical debates in British politics about mixed-raced adoption.

0. Introduction

The practices of child-rearing prevalent in society raise important questions of justice and legitimacy. However, until fairly recently such questions were rarely debated in political philosophy. The value of the family, children's autonomy, and the interaction between equality of opportunity and familial partiality are now receiving the attention they deserve.² One reason that this increased attention is welcome is that it sheds light on the related practical debates about the permissibility of religious enrolment of children and the justice of purchasing private schooling. One aspect that has not yet received adequate attention is the evaluation of the custodial arrangements of children. This is odd because how children fare in our society depends primarily on the configuration of their custodial arrangements, not least among these the capacities of their custodians. Moreover, the state routinely denies parents custody of their children and whether they are justified in so doing depends upon the relevant standards. One plausible standard for evaluating custodial arrangements is an account of the good enough parent, an account of which promises both theoretical and practical insights.

It is fairly obvious where we should start when determining a plausible account of the considerations relevant to the evaluation of child-rearing institutions. No one would

¹ I would like to thank Andrew Williams, Fabienne Peter, Matthew Clayton, Brian McElwee, Anca Gheaus and Stephen Butterfil for comments on drafts of this paper. I would also like to thank audiences at the Centre for Ethics Law and Public Affairs, the MANCEPT Political Theory Workshop on Liberalism and the Family 2011, the Brave New World Graduate Conference 2011 and the Association of Legal and Social Philosophy Annual Conference 2011 for helpful questions, comments and suggestions. Finally, I would like to thank the Institute for Advanced Study, University of Warwick, where I worked on this paper as an Early Career Fellow, for providing me with financial assistance and a quiet room in which to think.

² Some recent examples include, D, Archard and D, Benatar (eds), *Procreation and Parenthood: The Ethics of Bearing and Rearing Children*, (Oxford, Oxford University Press, 2010); D, Archard and C, MacLeod (eds), *The Moral and Political Status of Children*, (Oxford: Oxford University Press, 2002); Brighouse and Swift *Family Values*, (Princeton University Press, forthcoming); Clayton *Justice and Legitimacy in Upbringing*, (Oxford University Press, 2006).

deny that children's interests have a significant role in determining who should rear them, such that we have some weighty reasons to place children in the custody of good, rather than terrible, parents. Though their primary focus has been on other issues, liberal egalitarian treatments of the family and justice have argued that an adult's interest in parenting is also relevant to the justification of child-rearing arrangements. These liberal egalitarians hold the so-called Dual-Interest View.³ They claim that parents need not be better than all alternatives in order to retain custody of their children. Instead, they accept that sub-optimal parents can retain custody so long as they do a *good enough* job. This is about as much as they say about the evaluation of custodial arrangements. Most importantly, these theorists do not clarify how good or bad a *good enough* job is. The absence of a clear account, and defence, of the good enough parent is problematic for at least two reasons. First, and most importantly, it leaves us without an account of the sufficient reasons we have to remove children from their families. Second, and accordingly, it limits the light their view can shed on practical controversies such as mixed-race adoption and the re-distribution of children from parents to institutions. In this paper I develop an account of the good enough parent that can respond to both problems. This development is a significant step towards a more complete account of the evaluation of child-rearing arrangements and a more child-sensitive theory of justice.

The structure of the paper is as follows. In Section Two, I motivate our interest in an account of the good enough parent by arguing that the Dual-Interest View is the most plausible view of how we should evaluate the custodial arrangements of children. In Section Three, I argue that an account of the good enough parent is reducible to an account of the good enough upbringing and I identify some constraints and desiderata that apply to any such account. In Section Four, I note that an account of the good enough upbringing can either be comparative or non-comparative, that is, a good enough upbringing can be specified either independent of comparisons with the quality of alternative upbringings or by comparison with the best upbringing or the average upbringing. To begin with I show that the non-comparative approach to specifying this standard is flawed because it is not sensitive to changes in the strength of the child's interest in being redistributed. In Section Five, I explore the comparative approach based on shortfalls from the best available upbringing. To do so, I specify what is at stake for parents and children in cases where we can remove the child from their current parent. I show that for parents what is at stake is maintaining, and not merely having, a certain relationship with a child. This draws our attention away from what some proponents of the dual-interest view have focussed on, namely, the ambition that many adults have of raising a family. In Section Six, I suggest an abstract and general framework for thinking about a comparative account of the good enough upbringing which is specified by acceptable shortfalls from the best custodian. To do so, I organise the child's interests in well-being into five general categories. By appealing to

³ Dual-Interest Views are held by Clayton, *Justice and Legitimacy in Upbringing*, 48-81; A. Gheaus, "The Right to Parent One's Biological Baby" *Journal of Political Philosophy*, (2011), 1-24; H. Brighouse, and A. Swift, "Parents' Rights and the Value of the Family" *Ethics*, 117 (2006), 80-108.

what I call the Weight Requirement I show that parents can fall short of the best available arrangement in terms of some categories, being less important than what is at stake for parents, but not in terms of other categories, being more important than what is at stake for parents. In Section Seven, I derive judgements from this account regarding the evaluation of historical controversies involving the mass redistribution of children and for contemporary debates about the criteria used to make custodial decisions, such as racial compatibility. In Section Eight, I conclude.

2. Motivating the Dual-Interest View

The question that I am considering, “what standard of upbringing (good enough) must parents provide to retain custody of their children when someone else will provide a higher standard?”, arises only within so-called Dual-Interest Views. To motivate my question, then, I must motivate the Dual-Interest View by showing that it is more plausible than alternatives.

With respect to the evaluation of child-rearing arrangements there are, broadly, two alternatives. Child-Centred views hold that *only* the child’s interests are relevant to the evaluation of these arrangements. Proponents of this view have defended the Best Custodian Condition.⁴

The Best Custodian Condition – Custody should be allocated to the interested party who is expected to perform better than any other interested party with respect to the child’s interests.⁵

The justification of the Best Custodian Condition is that rights to control another human being can only be justified in the best interests of the weaker party.⁶ Dual-Interest Views, on the other hand, hold that both the child’s and the parent’s interests are relevant to decisions about the custodial arrangements of children. Proponents of the Dual-Interest View typically accept that so long as parents are good enough they may retain custody of their children even if someone else would do a better job.

Following Matthew Clayton, I believe that we can show the relative plausibility of the Dual-Interest View by viewing the conflict between the interests of parents and the

⁴ An alternative Child-Centred View could hold that we need not do our best for the child, we need only do enough even when there are competing interests. For satisficing, as opposed to maximizing, see M. Slote, and P. Pettit, 1984. “Satisficing Consequentialism”, *Proceedings of the Aristotelian Society, Supplementary Volumes* 58 (1984), 139-163+165-176. See also Sara Hannan’s DPhil Thesis ‘Balancing Parental Authority and Children’s Rights: A Role-Based Solution’, Oxford University.

⁵ See P. Vallentyne, “The Rights and Duties of Childrearing”, *William and Mary Bill of Rights Journal*, 11 (2003), 991-1009: 998. Other statements of this view can be found in R. Arneson, “Democracy is not Intrinsically Just”, 40-58, in K. Dowding, R. Goodin, and C. Pateman, *Justice and Democracy: Essays for Brian Barry*, (Cambridge University Press, 2000) and H. Brighouse, 1998. “Civic Education and Liberal Legitimacy” *Ethics*, 108 (1998), 719-745.

⁶ Vallentyne, “Rights and Duties”, 1001.

interests of children as an intra-personal, and not inter-personal, conflict.⁷ Understanding the conflict in this way it occurs within a person's lifetime, partly as a child and partly as an adult. Consider the following example. As children, Ashley and Ben are brought up in different societies governed by different principles of justice. Ashley lived under institutions governed by the Best Custodian Condition. Ben lived under institutions governed by a version of the Dual-Interest View, which appeals to an account of the good enough parent. As a result Ashley had a fantastic upbringing while Ben received an upbringing that was merely good enough. As adults, Ashley and Ben wish to become custodial parents and have an interest in becoming parents because this will make a profound contribution to their well-being.⁸ Ashley and Ben will both make sufficiently good parents. However, despite her aptitude as a custodial parent Ashley's children are redistributed because there is a better candidate parent in her society. Remember, Ashley lives in a society where the custody is redistributed in accordance with the Best Custodian Condition. As a result, Ashley has her children removed from her and her life goes worse because of it. Ben, on the other hand, retains custody of children he begets because, like Ashley, he would be a good enough parent and because, unlike Ashley, he lives in a society where custody is decided in accordance with the Dual-Interest View.

The question from this example is: Do the adults' interests matter at all? I believe that both Ashley and Ben would prefer the Dual-Interest View to the Best Custodian Condition. This preference is evidence that the adult's interests have some bearing on these decisions. It is odd to think that any costs to adults can be overridden by any benefit to a child. After all, it is implausible to hold such a one-sided view about other sorts of benefit, such as health care. If we were to give absolute priority to investment in paediatrics at the expense of adult's health this may increase children living to adulthood only to die of easily treatable or preventable health problems in early-adulthood. The consequences of treating adult's interests as irrelevant or even lexically inferior are implausible.

Since the Dual-Interest View is the only view that can accommodate the thought that interests in our childhood can sometimes be sacrificed for interests in our adulthood, our problem becomes a live one. We must, now, devise an account of the good enough parent.

3. Devising an Account of the Good Enough Parent

When devising an account of the good enough parent we should be clear about exactly what the parent must be good enough for and what constraints and desiderata apply to such an account.

It is probably true that a number of different accounts of "the good enough parent" will figure in a complete account of the factors relevant to the evaluation of child-rearing arrangements. For example, it is plausible to think that a parent has to do a good enough

⁷ Clayton, *Justice and Legitimacy*, 58

⁸ Adults may have other interests in being parents but this is the main interest discussed in the literature and seems a legitimate one. For this reason I focus on the clash between this interest and the interests of the child.

job in order to derive any well-being from parenting. It is also plausible to think that costs of a good enough upbringing should be shared, but that costs unrelated to securing a good enough upbringing rightly fall on the parents. However, our answer to the question of “good enough for what?” is good enough to retain custody of her child when the child would be better off elsewhere.

Prior to developing an account of the good enough upbringing, it is important to distinguish between two types of case that involve altering the custody of children because I am only interested in one of these types of case. Firstly, there are cases of *allocation*. These involve allocating to some parent(s) a child who is not currently in the custody of any parent, though they may be in some care institution. A baby abandoned at the door of an orphanage is the best example of this. Secondly, there are cases of *re-distribution*. These cases involve removing a child from the custody of some parent and placing the child in the custody of alternative parents or a care institution. I am primarily concerned with cases of *re-distribution*, though the principles that apply to re-distribution will illuminate cases of allocation too. My focus on *re-distribution* is given by the specific problem raised by the Dual-Interest View whose proponents claim that in order to *retain* custody parents need not be the best. They need only be *good enough*.

From this answer it follows that our account is not really an account of a certain kind of parent, perhaps with certain personal virtues or characteristics. Since the Dual-Interest View holds that only some of the child’s interests are more important than the adults’ we are really specifying a threshold level of the child’s interests, those that are more important than the adult’s interests. The parent who provides the child with a good enough upbringing is a good enough parent, but fundamentally we are concerned with a good enough upbringing. It follows that the content of any account of the good enough upbringing must be *Child-Centred*.

Any account of the good enough upbringing must meet what I term the *Coincidence Condition*. The Coincidence Condition requires that the content of a plausible threshold is capable of accounting for our strongest intuitive judgements on this topic. For instance, a threshold that identified abusive parents as good enough, when a child could avoid abuse elsewhere, would be implausible.

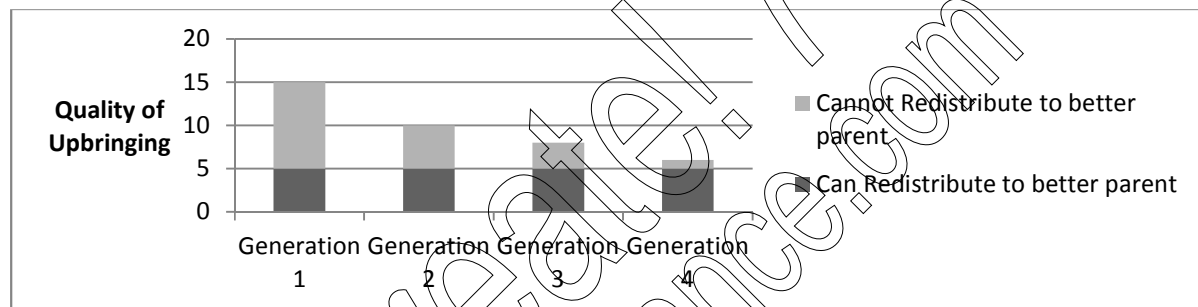
Any thresholds meeting all those constraints can be assessed by what I term the *Weight Requirement*. The Weight Requirement derives its relevance from viewing the situation as a clash of claims. It was the excessive opportunity costs to the adult that drew attention to the need for a threshold in the first place. Since the adult’s interests are at stake we must insist that only those of the child’s interests that can out-weigh the adult’s particular interest in founding and maintaining a family are included. If the content given to the threshold is less important than the adult’s interest the threshold will impose excessive opportunity costs on adults and will be less plausible than the Best Custodian Condition.

Finally, we should note that there are two possible ways of specifying an account of the good enough upbringing. We may specify the good enough upbringing comparatively, by appealing to comparisons with the best custodian, allowing only for sufficiently small

shortfalls. Alternatively, we may specify the good enough upbringing in terms of certain special claims that the child has. On this view we do not make decisions based on comparisons of alternative custodial arrangements. Instead, we accept that if certain non-comparative conditions are met a parent cannot be denied custody, no matter how much better off she will be elsewhere. In the next section I will show that this non-comparative view is defective and that we should prefer the comparative approach. Subsequent sections develop a comparative approach and draw out its implications.

4. The Non-Comparative Approach

Intuitively we may think of a good enough level as being non-comparative or absolute. To illustrate the structure of comparative views we can appeal to some, admittedly crude, examples. Consider the following graph where the non-comparative threshold is set at 5 units of well-being for the child and the best available upbringing declines over generations.



On this account a good enough parent secures at least minimum quality of upbringing falling into the grey area. Children whose upbringing is expected to fall into the black area can be removed. As the graph shows, though the quality of upbringing available elsewhere changes over the generations, the good enough upbringing remains constant.

However, the non-comparative view is structurally flawed. It cannot account for the way that the strength of the child's interest in being redistributed changes relative to how her current parent *compares* with the other candidates. This is a problem because custodial decisions should be made in favour of the course of action supported by the strongest overall claims. To highlight this problem consider two examples.

Mediocre Mum: Tiny Tim is reared by Mediocre Mel, but could instead be reared by Decent Derek. Mel and Derek will just meet the best non-comparative threshold, even taking into account the costs to the child of instability.

Super Mum: Same as *Mediocre Mum* with the addition of candidate parent Super Sue. Sue will give Tim an excellent upbringing, which is much better than he will receive from Derek and Mel.

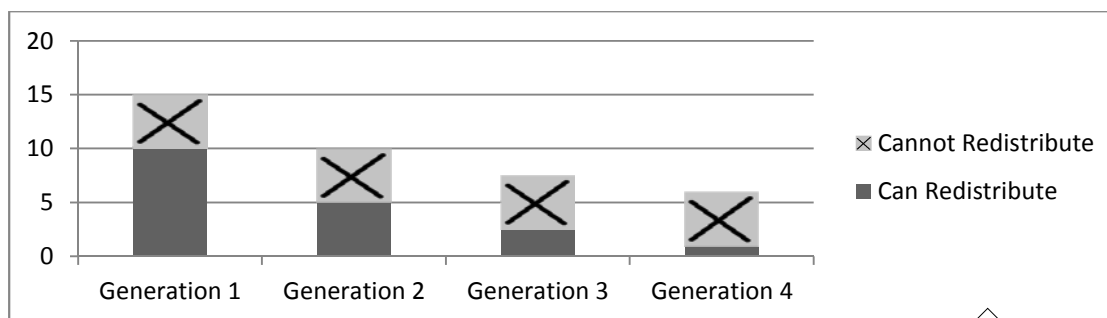
We should move Tim only if his claim to move is stronger than Mel's claim to retain him. If we do not move him when this condition is met he will have a justified complaint against not being moved. One factor that influences the strength of these claims is the size of the costs and benefits of moving or staying to those affected. Tim has no stronger a claim to be reared by Derek than to stay where he is since Derek would not provide him with a better upbringing. Moreover, since we can assume that the costs to Mel of being denied custody are significant and the benefits to Derek of gaining custody are less significant, we should not redistribute in *Mediocre Mum*. Overall the strongest claims point to non-redistribution.

In *Super Mum*, Tim has a much stronger claim to move to Sue. Whether we should redistribute Tim depends upon whether Sue is sufficiently better than Mel, since this alters the strength of Tim's claim. Redistribution in this case should not be ruled out in principle. The non-comparative account would rule it out in principle. That Sue is a possibility changes the strength of our reasons to redistribute children because the strength of one relevant claim, that of the child, changes relative to the quality of the alternatives. Denying Tim an upbringing by Sue imposes far greater costs than denying him an upbringing by Derek. The same effect can be caused by changing the quality of Tiny Tim's original upbringing. Tim's claims to be redistributed to Sue are stronger if he is initially reared by a much worse parent than Mel, such as Vicious Victor.

These examples show that the non-comparative approach is less plausible than the comparative approach. When making redistributive decisions we should take into account the relative strength of the claims that clash. The strength of the child's claims to be redistributed is a function of the size of the expected benefits for the child. The child's claim to be removed from her parent increases in strength the better the alternative parent is and the worse the current parent is. Thus, we should reject the non-comparative approach in favour of a comparative approach for specifying a good enough upbringing.

5. The Comparative Approach

On the comparative approach, the good enough upbringing is specified by appeal to shortfalls from the best alternative arrangement. Since the opportunity costs to the parent prevent us from accepting the best custodian condition we should think that shortfalls from the best alternative arrangement should not exceed the costs to the parent. If they do, then the claims to not redistribute (those of the parent) will outweigh the claims to redistribute (those of the child). To illustrate the comparative approach consider the following graph, which represents four generations and the quality of upbringing available.



Our task is to work out what X is. This will be given by the potential benefits for the child of moving that are greater than the potential costs for the parent of losing custody. A parent can retain custody when they do not fall short of the best available custodian greater than X. We can express our comparative account of the good enough upbringing in the following way.

Comparative Account: A parent provides a good enough upbringing when the expected benefit to the child of moving to the best alternative is no greater than the expected cost to the parent of losing custody of the child.

To fully specify the comparative account of the good enough upbringing and identify the sufficient reasons to redistribute children I will now clarify three things. Firstly, I will clarify the costs for the parent of having a child removed. Secondly, I will clarify the benefits for the child of being moved. Thirdly, I will suggest a way of comparing the two that will enable us to identify what costs to the child constitute too great shortfalls from the best alternative upbringing.

Parent's Interest

For many adults parenting makes a profound contribution to their well-being and it is often considered central to their life plans. Being unable to have children is a source of great frustration and unhappiness for adults with this ambition. However, breaking this relationship once established has even more serious costs for adults with the ambition of raising a family. This second cost is unique to cases of re-distribution. It is not at stake in cases of allocation since no care institution has a similar interest in retaining custody. If the only interest adults had with respect to the custody of children was their ambition to become a parent then this interest would likely be equally significant for each parent.⁹ If the ambition were the only interest adults had the adult's interests would play no role in determining whether a child should be moved from her current parents or remain where

⁹ We might only think that being a parent actually contributes to our well-being if done well. This is a plausible thought and would best be articulated by a non-comparative threshold, we can presume.

she is. In each case the interest in rearing a child would be the same.¹⁰ Thus, in cases of re-distribution we must also focus on the distinct interest that only those adults who are already parents have, namely, their interest in *retaining custody* of their children.

Identifying the special importance of *retaining* custody of their children enables us to take a significant departure from some of the literature on the Dual-Interest View. For instance, Brighthouse and Swift emphasize the importance of familial relationship goods, made possible through intimacy, as having a key role in the evaluation of child-rearing arrangements. In particular, Brighthouse and Swift argue that provision of such goods are the reason why the family is to be preferred to child-rearing institutions.¹¹ Now, while these goods give us one reason to prefer a parent to a caring institution they do not give us a reason to prefer one parent over another parent and, what is more striking, they do not give us a reason to prefer excellent institutions to decent parents. Therefore, Brighthouse and Swift's analysis misses something of significance for evaluations of child-rearing arrangements. When considering cases of re-distribution it is not so much the interest in having that relationship, but rather the interest in *maintaining* that relationship, that figures since a parent's ability to maintain that relationship is exactly what is threatened in re-distributive cases.¹²

This brings into focus what is really at stake for the adult and what the child's interests must out-weigh. We should note that it was Smokey Robinson (and the Miracles) who sang "A taste of love is worse than none at all" when explaining that breaking a relationship can be worse than never having had that relationship in the first place.¹³ We can call this the Smokey Robinson Objection to the completeness of the Brighthouse-Swift account. To capture the significance of the expected costs to parents in an account of the good enough upbringing we must specify the significance of the thought underlying the Smokey Robinson Objection.

The Smokey Robinson Objection

To capture the significance of the Smokey Robinson Objection, we should consider some natural thoughts about its rationale. One thought is that the interest parents distinctively have in retaining custody is related to the badness of having one's expectations dashed. Parents make plans about what to do with their children and what their children may want

¹⁰ We might think that an adult who already has children has a much weaker claim to the custody of some additional child than an adult who has no children and has the same ambition.

¹¹ See H. Brighthouse, and A. Swift, *Family Values*, (Princeton University Press, forthcoming); H. Brighthouse and A. Swift, "Parents' Rights and the Value of the Family", *Ethics*, 117 (2006), 80-108 and H. Brighthouse, and A. Swift, "Legitimate Parental Partiality", *Philosophy and Public Affairs*, 37 (2009), 43-80.

¹² Matthew Clayton recognizes this in his *Justice and Legitimacy*, 58.

¹³ Smokey Robinson's thought contradicts Tennyson's that "It's better to have loved and lost than to have never loved at all." For another paper that draws philosophical insight from Motown see R. Arneson, 'Luck Egalitarianism -- A Primer', re-printed in Z. Stemplowska and C. Knight (eds), *Responsibility and Distributive Justice*, (Oxford University Press, 2011), 24-50, 43 fn 38, which cites The Temptations' "Beauty Is Only Skin Deep".

to do in the future. Parents look forward to having a close and intimate relationship with their children and it is this expectation that is thwarted in cases where children are redistributed. However, it seems that expectation cannot really be what is at issue here. Children do not do as we expect, or hope. Children often turn out very different than we could have reasonably predicted. That our expectations are thwarted is not usually given much significance and so it would take a special argument to explain why, in this case, it should be given significance.

We might think that the expectation that we continue to be in a close relationship with our children, as opposed to other people, is special. However, we could eradicate this worry by changing the conditions of custody. So long as individuals know that these are illegitimate expectations, that parents will be denied custody unless they do a good enough job, we need not respect that expectation. A person who expects that a partner will remain with him no matter how abusive he is to her does not have an expectation we should respect, even if the relationship is important to him. Likewise, if a parent abuses their child we do not think we should honour their expectations or even weigh it in determining whether they should keep the child. A plausible condition of taking expectations seriously is whether parents meet some good enough level. Thus, the importance of expectation is not a good explanation of the importance of retaining custody.

A second rationale for the Smokey Robinson Objection is that the period of gestation generates a special kind of claim to custody over your own children based on the emotional and other costs that are invested in that child.¹⁴ For sure, parents often invest a lot emotionally and financially into their children and this seems to account for the anguish felt when their children are taken away. This certainly seems to distinguish current parents from potential parents. However, we can imagine cases where strangers do invest a lot into particular children, say through a scheme of paying expensive school or university fees. Even if they too have an emotional attachment through periodic meetings to discuss their progress, it seems that their disappointment should be taken more seriously than that of their parents if they are denied access to the child. Investing in the child is not usually thought of as important for such decisions. We should not weigh the concerns of generous or rich grandparents greater than those of frugal or poor grandparents.

We might think gestation is a special case of investment, involving a distinctive sunk cost and a distinctive kind of relationship, which forms during gestation. However, gestation alone cannot ground a special kind of claim to retain your children. It would mean that we should make it easier to remove children from non-birth parents than birth-parents when both are doing an equally good job and this is clearly wrong. Moreover, it would mean that we should make it easier to remove children from fathers than mothers when both are doing an equally good job. This is also wrong.

¹⁴ The parental rights and obligations following from gestation and nursing are discussed, respectively, in A. Gheaus, "The Right to Parent One's Biological Baby" and N. Wieland, "Parental Obligation", *Utilitas*, 23 (2011), 249-67. I have also benefitted from discussion with Clare Chambers and others at the workshop on *Family Values*, at the University of Warwick, regarding this matter.

These preliminary examinations are inconclusive. I have shown that we need to find some rationale for the Smokey Robinson Objection. I have advanced some considerations for rejecting 'expectations' and 'sunk costs'. In the absence of a happier outcome we must try our best to model its weight relative to some of the child's interests. We should remember, however, that the importance of maintaining the relationship should distinguish parents from non-parents, it should be weighty and it would be helpful if it were easily comparable with the child's interests so that we can specify what sorts of shortfalls are acceptable and what sorts are not, for the purposes of a good enough upbringing.

Child's Interest

Children have an interest in having a better upbringing and this always gives us some reason to move a child from a worse to a better parent. This can be illustrated by considering that we always have reason to make the child better off if we can do so costlessly. The weight of this reason also depends on the size of the benefit in question. It is right to think that we have more reason to give a child a large rather than small benefit, again, when doing so is costless. In cases of re-distribution we cannot move the child costlessly, there is always, or almost always, some cost to the initial parent, as the Smokey Robinson identifies. Our task in defining the good enough upbringing is to identify those of the child's interests that are more important than what is at stake for the parent. These interests will specify unacceptable shortfalls from the best custodian and will show that the current parent is not good enough.

The potential benefits of redistribution to the child can be specified in terms of well-being. The child's interests in well-being can be divided into different categories. A sensible way of proceeding would be to see weight attached to interests in virtue of their category, with those interests that are more central to living a good life given relatively greater weight. In context, a child who will benefit from redistribution in terms of the interests that are more central to their flourishing has a stronger claim than a child who will benefit in terms of those interests less central to their flourishing. The thought is that some categories very central to flourishing will be more important than the costs to the parent and that other categories will not. This will help us to identify some of the sufficient reasons to re-distribute children.

I focus here on well-being because this is what is at stake for the adult. As such, approximations of that interest are translatable into the well-being interests of a child. We can break down the category of conditions conducive to living a good life into five sub-categories.

- 1) Children have an interest in the conditions essential for a good life.
- 2) Children have an interest in the conditions conducive to a good life which are uniquely available in childhood.

- 3) Children have an interest in becoming independent and therefore being able to pursue the conditions conducive to a good life available only in adulthood.
- 4) Children have an interest in the conditions conducive to a good life available in both adulthood and childhood.
- 5) Children have an interest in all other conditions conducive to the good life that are not covered by the above categories.

This categorisation exhausts the child's interests in well-being and will be used to argue for a particular account of the good enough upbringing in the next section.

6. The Good Enough Upbringing

In this section I will argue that a parent can provide a good enough upbringing even if she falls short of the best available parent with respect to the interests 4 and 5, but cannot provide a good enough upbringing if she falls short with respect to interests 1, 2 or 3. I do so by utilising the Weight Requirement as a desideratum identified earlier that enables us to compare the relative weight of the competing interests. I take each set of interests in order and show that 1-3 are each necessary, and in combination sufficient for a good enough upbringing. I then dismiss a threshold including further interests. Further specification is required to deal with aggregation since I do not say anything about whether shortfalls in terms of two items from 4 or 5 would be sufficient to deny parents custody. My modest aim is to provide a reasoned framework that can be used to frame practical debates and which takes us closer to having a complete account of the criteria relevant to evaluating child-rearing arrangements.

Essential Conditions for a Good Life

Children have a particularly weighty interest in the conditions essential for a good life. Any arrangement that failed to provide such conditions when some other arrangement would provide such conditions could not be good enough. This can be further illustrated by considering The Weight Requirement. Such conditions are more important than what is at stake for the potential parents. Retaining custody of your children is not a necessary condition of living a good life and so it has a lesser priority than those necessary conditions. While the parent denied custody of their children can live a good life, the person denied a good enough upbringing, because denied the conditions essential for the good life, cannot. The costs to the child far outweigh the costs to the parent. We have good reasons, then, to hold the view that the good enough upbringing will not permit shortfalls from the best available alternative parent in terms of the conditions necessary for a good life because the costs to the child are too great.

However, it seems implausible to think that the conditions essential for the good life are the only acceptable shortfalls from the best custodian. Many children can be expected

to live good lives having been abused or neglected in their childhood. This account of a good enough upbringing would not rule out avoidably sawing off the child's leg or arm, or intentionally making them deaf since having all your limbs and your sense of hearing is not essential for a good life. Thus, we must add to our account of the good enough upbringing.

Goods Available Uniquely in Childhood

When discussing justifications of the family, Brighthouse and Swift pick out some goods that are conducive to a good life: the goods distinctively available through the family.¹⁵ Brighthouse and Swift take these familial relationship goods to be the ones that justify the institution of the family over other child-rearing institutions. Here I will focus on a similar but distinct category since I want to leave open the possibility that institutions can provide a good enough upbringing.

The goods available only in childhood include the goods that Brighthouse and Swift identify as justifying family life. These include loving attention, a sense of belonging, and the security of having a particular other care for your well-being when vulnerable.¹⁶ But our category is wider still and will also include other goods that are available only in childhood but perhaps not exclusively available in the family, such as, those goods that Colin MacLeod has called "the intrinsic goods of childhood".¹⁷ Some such goods might be available in the family and in child-rearing institutions, but not available once we become adults. These are not only non-developmental goods, those goods that make our life go better only because they make our childhood go better, but also the developmental goods that cannot be acquired later in life. If we do not receive these goods in childhood, we cannot be adequately compensated for them later in adulthood.

We ought to attach urgency to securing these goods for children. Children can acquire other goods later upon acquiring their independence and so they lack the same importance for the purposes of evaluating upbringings. The lives of those who miss out on the goods that are available in adulthood and childhood are not set back by their childhood to the same degree as had they missed out on goods uniquely available in childhood. These goods pass the weight requirement since they seem to be more important than the contribution that retaining custody makes to a parent's well-being. An adult can re-apply for the custody at a later date, and they can also do something to ensure that their children are not taken from them. A child who misses out on the goods unique to childhood cannot re-

¹⁵ Brighthouse and Swift, "Legitimate Parental Partiality".

¹⁶ *Ibid* see p. 53. "Here are some examples of relationship goods that can be realized or produced by the family: (1) Children enjoy the loving attention of, and bond with, a particular adult, a relationship that is widely regarded as essential for their emotional development. (2) Children enjoy a sense of continuity with (or belonging or attachment to) the past, mediated by acquaintance with their own family members. (3) Children enjoy the security provided by the presence of someone with a special duty of care for them."

¹⁷ On the intrinsic goods of childhood see S. Brennan, "The Intrinsic Goods of Childhood", blog post, (2007). Available: http://peasoup.typepad.com/peasoup/2007/04/the_intrinsic_g.html. Accessed: 2nd July 2011. and C. MacLeod, "Primary Goods, Capabilities and Children" in H. Brighthouse, and I. Robeyns (eds), *Measuring Justice*, (Cambridge University Press, 2010), 174-92.

run their childhood and they do not have the power to make the arrangements any better for themselves. Therefore, we should add the goods unique to childhood to the list of goods that good enough parents cannot fall short in terms of because the costs to the child are too great.

Our account of the good enough upbringing contains both the conditions essential for a good life and the goods uniquely available in childhood. This account seems to rule out the familiar sorts of abuse by including the goods available only in childhood. Having a secure and safe environment away from abuse must be part of the conditions conducive to the good life which are only available in childhood due to the unique vulnerability of the child. However, there is still room for improvement.

One thing that is not mentioned in this (1-2) threshold is the idea of independence. The role of a custodial parent is sometimes thought of as justified only while the child develops independence.¹⁸ If a good enough parent can fail to develop a child's independence at a rate not inconsistent with common knowledge then it seems that we have the wrong threshold. This is because the child's interest in independence is weightier than the adult's interest in retaining custody. Without independence one cannot become a parent and one cannot enjoy a great many aspects of a good life. But more importantly, without independence our justification for marking out the goods uniquely available in childhood as having priority over the goods obtainable in both adulthood and childhood was that independence to pursue those goods obtainable in both adulthood and childhood must be secured. Our next step, then, should be to see if we can add a concern for independence to the threshold.

Independence

Children have an interest in becoming independent and their upbringing must be consistent with the development of their independence. The relevant indicators of achieving independence will vary from society to society and the acceptable rate at which one should develop independence will vary. I would suggest that everywhere we should be concerned that children grow up to achieve their independence at a rate not inconsistent with common knowledge of the benefits and costs of achieving independence too quickly or too slowly. This leaves space for denying parents custody if they fail to act in accordance with that knowledge but allows us scope in understanding that standard relative to particular societies. The account of independence I am giving here would have to include the preconditions for pursuing a variety of good ways of life. This may extend to a full Rawlsian account of autonomy and a sense of justice, but it may not go quite so far.¹⁹

¹⁸ This is known as the fiduciary model of parenting. For a discussion see R. Noggle, "Special Agents: Children's Autonomy and Parental Authority", in D. Archard and C. MacLeod (eds), *The Moral and Political Status of Children*, (Oxford University Press, 2002), 97-117.

¹⁹ For Rawlsian autonomy and a sense of justice see J. Rawls, *Justice as Fairness: a restatement*, (Belknap Press, 2001), 18-19.

Further Conditions Conducive to a Good Life

We could add to our threshold (1-3) the interests the child has in the conditions conducive to a good life (4-5) but this is a step too far. Including both of these conditions in our threshold would effectively award the child's interests priority over the adult's in all cases and hence would commit us to something like the best custodian condition, which was rejected in Section Two.²⁰

One remaining possibility is to propose a 1-4 threshold, which would differ from the threshold I defended earlier by the inclusion of the goods available in both childhood and adulthood. However, this threshold would be implausible and would impose excessive opportunity costs on current parents. To illustrate the point consider two possible parents, Charlie and Dan, both of whom want to found a family and would provide the child with the conditions essential for a good life, the unique goods of childhood, and would promote their child's independence at a rate not inconsistent with common knowledge. However, Charlie will provide the child with some of the goods that are available to both adults and children but Dan will not. Let us imagine, for example, that Charlie can provide the child with extensive piano tuition which Dan will not, perhaps because Dan thinks that learning the piano is a waste of a child's time. Since we are interested in cases of redistribution, imagine that Dan has custody of a child and Charlie promises, in good faith, to give Dan's child piano lessons if he can have custody of the child. It is counter-intuitive to think that these shortfalls are too great. An adult can learn to play the piano. Having an appreciation for the piano, mastering difficult skills, will contribute to the well-being of the child and the adult she becomes. But reflecting on the Weight Requirement it seems that these are goods of our childhood that Dan would willingly trade-off for the possibility of retaining custody of his child. We should, then, reject this more demanding threshold. The good enough upbringing is compatible with shortfalls from the best custodian in terms of categories 4 and 5 but not in terms of categories 1, 2 or 3.

7. Practical Implications

The forgoing sections have argued for a particular account of the good enough upbringing. This account is fairly abstract. This account will not always give us precise judgements in complex practical case that social workers have deal with. But this is not a valid criticism. No doubt all moral principles are unhelpfully abstract, but, so long as they are sound, they provide us with some guidance that is vital in getting us started. They provide us with guidance regarding what we are looking for in our policy measures. It is better, in theory, to be vaguely correct than clearly wrong, especially when vaguely correct is the only kind of correct.

²⁰ We might, of course, think that children do have other interests that are not derived from their well-being but I do not consider them here.

Notwithstanding this possible criticism, in this section I want to say something about some historical controversies and hypothetical cases involving the redistribution of children. Many of the facts of the historical cases are contested and anything I say about this is therefore conditional on my account being correct. However, the aim is to show that policy-relevant normative political theorising can be of some help by ruling out some policy options or preferring others when faced with distributive and other social problems.

Designing Institutions and Criteria

I have argued for a comparative approach to specifying the standard we ought to use to make decisions about when to remove children from the custody of their parents. Accepting the comparative approach means two things for the design of policy. Firstly, our fundamental focus should not be on abuse and neglect thresholds, which are non-comparative in that they take certain violations of children's "rights" to be sufficient grounds for intervening in the family, and sometimes for removing the child and placing them in care or some alternative arrangement.²¹ Instead we should focus on how bad the familial arrangement is *relative* to the caring institution, the most common destination for children removed from their parents. This should be the starting point for policy design. Though it is unlikely that they would be very good policies if they were in constant flux, our reluctance to regularly alter policy should not lead us to stick with a faulty threshold. Holding the current policy fixed will impose excessive opportunity costs on children, when they can do sufficiently better elsewhere, and excessive opportunity costs on their parents, when they are not doing sufficiently worse than the best alternative. Secondly, the rejection of the non-comparative approach means that as child-rearing arrangements change, hopefully improving, we should change the policy. If child-rearing institutions, such as orphanages, or foster and adoptive parents improve then we should revise our policy because the child's claim to be removed becomes stronger under such changes. Thus, we should pay close attention to changes in the quality of parenting and of orphanages since this affects the numbers of children we would be justified in redistributing. We should take a dynamic approach to the criteria used to justify intervention in the family.

Mixed Race Adoption

A practical controversy has emerged in the UK around the significance of racial compatibility of child and adopted parent as a criterion for allocation of children in care institutions. The British Prime Minister has claimed that black children take twice as long to place with

²¹ For an example of the use of the significant harm threshold used in the UK see For a particularly helpful example see 'The Leeds Initiative', available: [http://www.leedsinitiative.org/uploadedFiles/Children_Leeds/Content/Standard_Pages/Levels_of_Need/Significant%20Harm%20Definition\(1\).pdf](http://www.leedsinitiative.org/uploadedFiles/Children_Leeds/Content/Standard_Pages/Levels_of_Need/Significant%20Harm%20Definition(1).pdf). Accessed July 4th 2011.

adoptive or foster parents as white children.²² While it is unclear that this claim is true, it is certainly true that black children take longer to place than white children and this is because racial compatibility is used as a criterion for allocation.²³ So, if there are fewer black adoptive parents than white adoptive parents it will take longer to place a black child than a white child. It is thought that ethnically similar parents will be better for the child. However, we should question the significance ethnicity has had as a criterion for foster parental selection. One response to this puzzle is to ask whether parents can retain custody of a black child when they fall short with respect to ethnicity. If a white parent is available and a black parent is also available, we may think that we should prefer the black parent, other things being equal. However, if better ethnic match is not a sufficient condition for removing a child then we might think that it does not matter much whether we place a black child with a white parent.

In order to answer this question we need to examine whether ethnic matching falls into the categories that are consistent or inconsistent with a good enough upbringing. These categories are independence, conditions essential for a good life and unique goods of childhood. It seems that having ethnical matching parents is not at all linked to independence. Moreover, it seems that ethnicity is not essential for a good life. If having ethnically matching parents is part of the unique goods of children, that is, is a benefit that cannot be compensated for if missed out on in childhood, the current practice may be justified. However, this seems too much. One articulation of the importance of being reared by parents with whom we share ethnicity is to appeal to the importance of knowledge of one's cultural heritage. This forms part of a person's identity and therefore forms an important part of the way we view the world and our place in it. Firstly, it seems false to say that one cannot learn these things later on. One can look up one's birth parents or discover one's cultural roots later on. Indeed, one does not need to be reared by ethnically matching parents to learn about one's cultural heritage. White adoptive parents can teach a black child about black history just as well as black adoptive parents can or at least their qualification for doing so is independent of their skin colour. Perhaps, their genetic parents can explain more about their personal family history, which will not be readily available to non-genetic parent, but these are cases of allocation and so this does not help us distinguish between ethnically matching adoptive parents and none-ethnically matching adoptive parents. Secondly, it does not seem that cultural awareness as a child is especially important such that it could not be readily compensated for in later life. That a child is ethnically African should have no bearing on his own self-understanding. The child is a human being with the same rights and entitlements of all human beings. It should not concern us that some child who is black does not share a cultural similarity with those who rear them. There is no reason that this would affect the success or importance of their relationships with

²² "Adoption Process with be made Fairer and Faster says Cameron", The Guardian, March 9th 2012, <http://www.guardian.co.uk/society/2012/mar/09/adoption-made-fairer-faster-cameron>.

²³ "Do black children wait twice as long to be adopted as white children?", Rob Lowcock, http://fullfact.org/factchecks/black_children_adoption_wait_double-3393

other people later in life, unless those people were unjust. I conclude, then, that ethnicity is not a weighty consideration such that we could deny white parents a black child if all else is equal and black parent were available. This should make us think that we should not give weighty opposition to mixed-race adoption.

Historical Controversies

There are a number of historical examples of the widespread redistribution of children from their birth parents to what were thought to have been better parents. While the reasons why some parents are better than others were different in these different examples the rationale or principle underlying this practice was that they would do better elsewhere. For instance, re-distribution of aboriginal children to white parents in Australia proceeded on the rationale that white parents could offer them a better upbringing and re-distribution of Spanish children under Generalissimo Franco proceeded on the rationale that parents that are more suitable could be found.²⁴ Thus, these historical examples seem premised on acceptance of the Best-Custodian Condition. The dual-interest view that I have defended, in particular, that takes seriously the significant costs to the parent of having a child removed from one's custody, can diagnose at least one of the things that is wrong in these cases.

In Section 5, I discussed the Smokey Robinson Objection to accounts of justice in upbringing that overlook the special significance of the costs to parents not of having a frustrated ambition, but of losing custody of a child. It seems that one of the factors that is not weighed in these practical cases is the costs to the parent of having one's children forcibly removed knowing that they were going to someone else, or having been told that one's child had died as in the case of Franco's Spain. Of course, in these cases other things have happened that would perhaps be sufficient on their own to cause injustice. In the Australian case the motive may not have been to provide the children with a better upbringing but to wipe out the aboriginal race. However, even if those who did the redistribution did so innocently, believing it was the best for the child, and even if they were correct that this would be best for the child, they would still be doing something wrong by overlooking the important costs this has for the parents.

8. Conclusion

In this paper I have argued that the an account of the good enough parent is essential if we are to address one set of theoretical and practical debates about children and justice, those pertaining to the custodial arrangements of children. I have explored two different approaches to specifying the good enough parent or upbringing and have shown that there are distinct advantages to the comparative approach. I then identified what is at stake for

²⁴ This World: Spain's Stolen Babies, BBC Documentary and P. Howson, "The Stolen Generations True Believers Take One Step Back", *National Observer Home*, No. 49 - Winter (2001), available: http://www.nationalobserver.net/2001_winter_legal.htm.

the adult, after considering the Smokey Robinson Objection, and considered two ways of further specifying the weight of retaining custody. I then gave an account of the good enough upbringing by appealing to various categories of the child's interests and comparing them intuitively with the importance of retaining custody. Finally, I considered some judgements that could be derived from my account for practical controversies and for the evaluation of child-rearing institutions. Overall, I hope to have made it easier to specify a plausible account of the good enough parent and to address the important practical issues related to children and justice.

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