Preventive Intervention in Families at Risk: the Limits of Liberalism

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There is an increasing call for preventive state interventions in so-called families at risk—that is, interventions before any overt harm has been done by parents to their children or by the children to a third party, in families that are statistically known to be liable to harm children. One of the basic principles of liberal morality, however, is the citizen’s right to be free from state intervention so long as no demonstrable harm has been done. On the other hand, Joel Feinberg interprets the harm principle as a harm prevention principle, so that the risk of harm also might be a reason for interference. The question that needs to be asked, therefore, is whether enforced preventive intervention in the cases where families are judged to be at risk can be justified within the limits of liberalism.

1 INTRODUCTION

The increasing demand for enforced preventive intervention in families at risk is unequally met in the jurisdiction of Western European countries. By ‘preventive intervention’ we mean measures taken by the state in order to prevent harm to children and/or youth crime. Generally, much attention is given to early support in parenting. In The Netherlands there is at the moment no legal basis for more drastic forms of intervention. The state is supposed to refrain from interfering in the family. In spite of recent pleas made by supporters of enforced preventive measures (for example, Baartman, 2000; Junger-Tas, 1996, 1997; Van Dantzig, 2000; Willems 1999), intervention is allowed only after parents have actually harmed their children and/or the child has developed overt criminal behaviour. In other countries, including Belgium, England and Germany, the situation is different. In these countries it is accepted that the state should play a more active role in preventing harm to children. Not only do parents have a legal right to assistance in the upbringing of their children, there is also a system of legal measures of early intervention in the family aimed at preventing damage to the children’s well-being and normal development. For example, in Belgium there is a broad and differentiated package of
enforceable pedagogical measures that may be imposed by juvenile courts (Veldkamp, 2001, p. 32). The criterion for intervention is not demonstrable harm, as it is in The Netherlands, but any problematic educational situation in which children’s prospects of developing their affective, moral or social abilities are being seriously threatened. Of course, support is at first offered to the parents and the children. When they do not assent to this, however, a mediation agency will be called in, and if no agreement can be reached the judge may administer compulsory measures.

In this article we will not go into the juridical problems involved in such forms of state intervention in the family. Rather, we would like to discuss the underlying question of whether and to what extent the idea of enforced family intervention is compatible with the principles of the liberal democratic state that determine the relationship between the state and its citizens in Western societies. How much room does liberal morality leave for such far-reaching forms of state interference? Juridical discussions about this subject presuppose an adequate understanding of this underlying philosophical issue (Snik and Van Haaften, 2000; see also Steutel and Spiecker, 1999).

In liberal democratic society, state interference is limited by the citizen’s right to non-intervention. People have the right to lead their lives in accordance with their own convictions and world-views. This is the basic idea of liberal morality. This liberty right is limited primarily by one further basic liberal principle, the so-called harm principle, implying that the state can and should intervene when people violate the same liberty rights of others. A key question, therefore, is what the relation is between preventive family intervention and the harm principle. The answer is not obvious. On the one hand, a liberal state interfering in a family when no actual harm has been done might be rightly accused of unjust paternalism. As long as people do not clearly harm one another, the state should not interfere in their lives. On the other hand, state intervention might be justified where there is a possibility of imminent harm. According to the harm principle, it might be proper for the state to intervene in such a situation not only after the harm has been actually done but preventively as well. But what precisely makes a particular situation threatening enough for state interference to be justified?

In dealing with this question we will focus on prevention of harm done to the child. It should be noted, however, that in the literature two aims of intervention are usually mentioned together, namely prevention of harm to children (in situations where the parents have not yet actually harmed their children or, through their negligence, allowed them to be harmed) and prevention of youth crime (in situations where the children have not yet actually harmed any other persons). Often, these two aims of preventive intervention are indeed not really separable. Many delinquent children have suffered from harm or neglect during their upbringing. The preventive measures used may also be partially the same for both. Nevertheless, we should clearly distinguish the two aims. The maltreatment of children does not always induce criminality nor is all criminality an effect of such treatment. The justification of preventive intervention in
families will therefore be different to at least some degree in either case. In this article we will concentrate on the prevention of harm to children. As will become clear, the (philosophical) discussion about criteria for preventive state intervention in the family has hardly begun. In order to address this question, we will consider the views of Joel Feinberg on the harm principle and its implications for state intervention in general, and then apply his insights to the more specific issue of intervention in families. We start by clarifying what is involved in the notion of preventive family intervention and what different questions it raises. Then we locate the possible point where preventive family intervention might find its place within the limits of liberal morality, between, on the one hand, the right to non-intervention and, on the other hand, the harm principle. Do these two principles leave any room for preventive intervention? In order to draw the boundary from the one side, we discuss two fundamentally different interpretations of what liberal morality means with regard to the right to non-intervention and the scope for intervention in education. In order to determine the boundary from the other side, we apply Feinberg’s considerations about the harm principle to the special case of family intervention.

II PREVENTIVE FAMILY INTERVENTION

Without going into details of specific types of interference, we may say that preventive family intervention by the state implies the following:

(a) The object of intervention is the so-called risk family. A risk family is characterised by (perhaps combined) risk factors, such as juvenile single parenthood, ethnic minority membership, unemployment, poverty, children with behavioural or intellectual disorders.

(b) The intervention is based on statistical generalisations from scientific research to the effect that, without intervention, a child in the family will be harmed and/or is considered liable to develop criminal behaviour.

(c) There has been no demonstrable failure of the parents so far. The child has not been in juvenile court; the family has not been subjected to the law or referred to an appropriate government agency—in The Netherlands, the Child Welfare Council.

(d) The state intervenes in the risk-family by imposing a measure that is expected to prevent a predicted undesirable development (for example, parents are compelled to take a course helping them to educate their children).

The core idea is that the state takes measures towards ‘risk parents’ in order to prevent their children from being harmed. Two aspects are prominent. First, the objective is prevention. The motive is that prevention is better than cure. Early action has proven effective. Several authors advocate the screening of parents even before their children are born. Early, preferably antenatal, interference is better than child welfare afterwards (Baartman, 2000; cf. Willems, 1999). Clearly, the notion of prevention...
implies that nothing has gone wrong as yet. The object of the intervention is parents or children who have not yet committed any blameable action. There is reason to believe, however, that if no preventive action is taken the parents will cause harm to their children or the children will develop behavioural problems. The second crucial feature is compulsion. We are not dealing here with the many forms of voluntary intervention currently being developed and applied; the issue is compulsory intervention.

The issue of preventive family intervention raises different kinds of questions. First, there are empirical questions. Are the proposed measures, such as parental training courses, really effective? May not compulsion be counterproductive in the end? Such questions require a clear answer. At the moment, many authors seriously doubt the effectiveness of most of the measures that have been suggested so far. However, such empirical issues must not be confused with the politico-philosophical question of whether preventive family intervention is compatible with liberal morality. Effective measures may be developed in the future, so the philosophical question needs to be answered in any case.

Other questions are of a juridical nature. Does current legislation provide a sufficient basis for preventive family intervention? If not, should it be included in the law? In The Netherlands, several politicians from various parties are making pleas for including preventive intervention. In their view, prevention of behavioural problems in a child is important enough for state interference in parental education to be justified. However, the Dutch government has always been hesitant on this point. Educating children is not a task of the state. Again, the philosophical question underlying such juridical and political discussions is whether preventive family intervention can at all be an acceptable form of state interference in a liberal democratic society.

III LIBERAL MORALITY AS A BASIS FOR STATE INTERVENTION

There are various interpretations of liberal morality and many authors stress different aspects in it (cf. De Jong, 1998). Yet we think there is something of a standard version, which may be briefly characterised as follows (cf. Koelega, 2000). The basic assumption relevant here is the citizen’s right to non-intervention (also called the right to non-paternalism, or the right to autonomy). People have the right to live their own lives, to organise their lives according to their own beliefs. The state has the duty not only to respect but also to protect this right. Furthermore, the state must create and maintain the conditions for this right to be exercised. It should not favour the values of any particular community but provide all communities with equal ‘primary goods’ (Rawls, 1993). Primary goods include not only the rights of individual liberty but also the conditions for practising the rights to income, health, self-respect and education.

The right to non-intervention implies that state policy and state institutions shall not be based on any controversial morality or conception of the good (that is, one that is not acceptable to all people). The state
should not demand that citizens give up their own conceptions of the good in favour of the morality of any particular community. State intervention should be based on a neutral liberal morality shared by the various communities and citizens with different conceptions of the good. It is assumed that people with different moral and religious views can reasonably subscribe to this common liberal morality, allowing all to live their personal lives according to their own conceptions of the good.

Individual liberty rights are limited by two restricting principles: the harm principle and the paternalism principle. The harm principle constitutes the restriction to the citizen’s right to non-intervention most relevant here. The state can, and should, intervene if people violate other people’s rights. It is a matter of harm if a citizen violates someone else’s rights to freedom and/or disregards the conditions enabling the practice of these rights. Because the freedom of one person should not be realised at the expense of the freedom of another, the state is justified to intervene in the lives of citizens if they harm others in this respect. This principle may collide with the moralities of some (for instance, religious) communities. In cases of conflict, the liberal principle should get priority. In a liberal society, every member of a community has the right to organise his or her private life according to their particular beliefs, but nobody has the right to coerce others into accepting those beliefs.

The other restriction is the paternalism principle. The freedom of citizens should also be limited if they threaten to harm themselves because of ignorance or incapacity. Only in this case is state paternalism justified. We should distinguish two forms of paternalism here. The paternalism principle is about paternalism from the side of the state (often somewhat misleadingly called ‘legal’ paternalism). Another form is paternalism from the side of the parents (or other educators). The state is not an educator: competent agents should not be forced into any conception of the good. Preventive family intervention is aimed at parents who can be responsible for their actions. Therefore, the (state) paternalism principle is less relevant here. (Intervention in families whose parents are incompetent agents is not an issue in our society. For example, it is deemed only reasonable for a doctor dealing with a baby who will die if no action is taken to entrust it to the care of the Child Welfare Council rather than leaving it with its heavily addicted mother.)

IV THE RIGHT TO NON-INTERVENTION

Our question now is whether there is any room for family intervention between, on the one side, the right to non-intervention and, on the other side, the harm principle. In order to find an answer to this question, we will approach it from both sides. We begin with a further clarification of the significance of the basic principles of liberal morality for the parents’ right to non-intervention. To that end, we contrast two opposing views, the standard liberal view and the liberal education view (Snik, 1995, 1999). Both views conceive education as a primary good and both consider
violation of the child’s right to decent education as harm. Both acknowledge the right to non-intervention. However, their interpretations of these liberal assumptions differ, resulting in opposite views as to what it means to harm a child and what the role of the state is.

According to the standard liberal view, the right to non-intervention means the right of parents to raise their children in conformity with their (the parents’) moral and religious convictions. As Charles Fried once pithily summarised this: the right to non-intervention implies that the state is not allowed to intervene in the way parents intervene in (or shape) their children’s lives (Fried, 1978). The basic presupposition here is that education inevitably involves moulding the child’s character according to a certain conception of the good (parental paternalism).

In this view, the state should be neutral and refrain from determining the aims or contents of education. It is up to the parents to make such normative choices. This does not mean that the state should have nothing to do with education at all. In the first place, it must protect and facilitate this right to freedom of education. In the second place, the state must guarantee compliance of parents with minimal educational requirements (Galston, 1991). Parents are free in the education of their children, provided they do not withhold them from a ‘normal’ education. That is, parents should at least further their normal development and they should provide them with a minimal civic education. The first demand primarily concerns the development of language and of general human emotions. The second means that children should master the basic social morality that is prerequisite for the preservation of any society. This basic morality includes rules of conduct like not stealing, not lying, and keeping one’s promises. Furthermore, children should learn to observe liberal democratic principles such as tolerance and respect for rights to freedom which in our pluralistic society are necessary for the peaceful coexistence of citizens and communities with strongly different and often conflicting conceptions of the good. For the rest, however, the state should, according to the standard view, leave parents entirely free to educate their children in line with their own convictions.

The liberal education view interprets the citizen’s right to non-intervention in a different way. Here it is emphasised that every child has a right to autonomy, to be respected by the parents and to be protected by the state (Brighouse, 2000; Levinson, 1999; cf. Feinberg, 1980). Education aims at the development of those competencies and virtues that enable persons to form a conception of the good. The parents’ right to raise their children according to their own moral and religious beliefs is subordinate, according to this view, to the child’s right to development of autonomy (Crittenden, 1988). Although there is a difference between the right to autonomy of a mature person and the child’s right to an education for autonomy, it is also clear that these two rights converge. The same is true for the educational conditions of the two rights. That parental paternalism is inevitable and necessary, especially when dealing with young children, is acknowledged by many supporters of the liberal education view, as well (for example, Levinson, 1999). However, the objective of this paternalism in upbringing and education is not the
commitment of children to their parents’ conceptions of the good. It is to create the possibility of non-paternalism (Blustein, 1982).

In this view, the state should see to it that parents and communities perform their duties to educate their children in such a way that the development of personal autonomy is furthered or at least not impeded. The state should ensure a civic education comprising more than internalising the basic social morality and liberal democratic values. According to the liberal education view, the right to non-intervention implies an obligation of the state to see to it that every child be enabled to master the conditions necessary to live ‘an examined way of life’.

We need not decide here which of the two views most coherently elaborates the educational implications of liberal morality (see De Jong, 1998). The two views are clearly incompatible—but they overlap to some extent. The liberal education view is the more drastic one, in that it accepts more reasons for state intervention. Both views agree in considering it a case of harm if children’s normal development is endangered. It is this type of harm that preventive family intervention is primarily concerned with.

V THE HARM PRINCIPLE: IMMINENT HARM

Now let us try more precisely to map out the other side of the dilemma, and see what are the implications of the notion of imminent harm. Obviously, there is nothing wrong with voluntary preventive intervention. Nor is there anything unclear about corrective intervention, when parents actually have harmed their children. It is state enforced preventive intervention that is controversial. Preventive family intervention involves measures against parents who are only expected to commit blameable actions. This seems to be in conflict with their right to non-intervention. This is the heart of the problem. Preventive family intervention is like punishment for crimes that have not, or at least not yet, been committed. There is no such thing as ‘preventive punishment’, however.

There is no disagreement about the extreme cases. Recently, in the Dutch town of Roermond the father of a family already known to the Child Welfare Council burnt down his house after a row with his wife. Six of their children perished; the mother and one child survived. Clearly, certain forms of imminent harm should be (and, in this case, should have been) sufficient reason for preventive intervention. On the other hand, the state should not be too quick to intervene. State interference in the lives of citizens simply on the basis of rough estimates about their liability to commit maltreat their children cannot be acceptable. However, where is the line to be drawn? When is it a case of imminent harm providing a sufficient ground for state intervention?

We will first seek an answer to this question in general, and then apply our findings to interventions in families with regard to the upbringing of children. To that end we consult a broadly acknowledged authority on this subject, Joel Feinberg. According to Feinberg, not only actual harm but also permission of harm or negligence in its prevention should be

punishable on the basis of the harm principle. Feinberg is a supporter of the so-called Bad Samaritan laws (Feinberg, 1984, pp. 126–130). He rejects the argument that laws implying a duty for someone to prevent harm to others (strangers) would be too strong an infringement on that person’s individual freedom. He also rejects the view that there is a relevant difference between the actual causation of harm and the omission to prevent it, or that, from a moral point of view, people could be held responsible only for crimes they have themselves committed.

Feinberg emphasises that there need not be actual and demonstrable harm for the harm principle to be applicable. Risk of harm is just as relevant (Feinberg, 1984, p. 191). In fact, the harm principle thus is a harm prevention principle: it involves more than legislation for cases of actual harm. At first sight, therefore, it would seem that, on Feinberg’s interpretation of the principle, measures of preventive family intervention could be justified. These matters are, however, complicated. Feinberg insists that certain mediating maxims are required in the concrete application of the harm principle. In fact, he proposes more than ten such maxims (Feinberg, 1984, pp. 187–217). We will discuss the three maxims most relevant to the problem of imminent harm to children, to do with the nature of the risk, the avoidance of statistical discrimination and the independent value of the conduct in question.

VI FEINBERG’S MAXIMS: THE RISK OF HARM

Let us compare two examples. Karin, now a twenty-nine-year-old woman, tells the following story about her childhood (Pinedo, 2002). Her father, a successful businessman, often rowed with his wife and belittled her. In order to prove herself and try to gain respect Karin’s mother regularly visited the golf course. As a consequence, it was often the case that nobody was at home when eight-year-old Karin and her brother came back from school. When she was twelve, Karin’s father frequently came to her for advice; in fact, the roles of parent and child gradually became reversed. Karin had to go through great pains to get attention and love from her mother. At a later age she developed psychological disorders, which may have been related to her family background. In this case, no action was taken by the state authorities. Should the state have interfered?

The other example is Judy, a mother on social security who is living with three young children in a working-class area in a small town (Pinedo, 2002; with some minor additions). Each child has a different father. With two fathers the mother has contact, but they are not in any way involved in the upbringing of the children. With the third father she lives ‘on the brink of war’. He is aggressive and unpredictable. Yet he has never actually harmed her or any of the children. He bribes the children, buying them expensive presents and suggesting they would be better off living with him because their mother has no money. Judy lives in a relatively isolated way, her parents having died when she was young. She has no work and no friends. Although there is no indication whatsoever of maltreatment of the
children, this family clearly belongs to a so-called at-risk group (see Section II). For that reason, a volunteer of the local Home Start Project visits Judy every week and talks with her about her difficult situation, her troubles and her fears. Often the upbringing of the children is the main topic. After some time, Judy begins to feel that she benefits from these visits.

Can we assess the risk of harm in such cases? According to Feinberg, two factors are decisive, namely, magnitude and probability. As for magnitude, it should be a matter of genuine harm: not mere annoyance, inconvenience, hurt or offence. Trivial cases of harm should be excluded. The reason is that interference in case of trivialities may cause more harm than it would prevent (Feinberg, 1984, pp. 189–190). The probability factor operates in inverse proportion to the magnitude factor in the application of the harm principle. The greater the probability of harm, the less grave the harm need be for coercion to be justified. And the more serious the envisioned harm, the less probable it need be (Feinberg, 1984, p. 191). But rarely should we tolerate a probability of more than 50 per cent.

These considerations may be fairly clear, but in general it seems difficult to derive anything concrete from them, in terms of either magnitude or probability of the harm, or of their combined effect, for possible preventive family intervention. The extent of negligence or maltreatment from the side of parents can vary enormously, and the same is true for the likeliness of these offences to occur. How do our two examples appear in this light? According to the definition of harm to children, Karin has been increasingly harmed: she was both physically neglected (left alone at home at the age of eight) and emotionally maltreated (through consequent neglect and through having to play the role of parent at twelve). It was probably as a result of her family situation that Karin developed psychological disorders. No state action was undertaken, but, according to Feinberg’s criteria, preventive intervention in this case would, in our view, have been justified.

Judy, on the other hand, received help. But it is questionable whether on Feinberg’s fairly strict risk maxim there would have been sufficient ground for this preventive intervention in her case. The condition, on Feinberg’s account, that tips the scales in favour of intervention is the ‘clear and present danger’ (Feinberg, 1984, p. 192) of ‘major harm’ (p. 188). In comparison with the previous case, this outcome is somewhat counter-intuitive. Judy and her children seem to be more in need of state protection and support than was Karin. No harm has been done as yet and there may be no ‘clear and present danger’ of harm, it is true, but a risk of it is clearly present, be it from the aggressive father or from the isolated and possibly desperate mother. Nevertheless, our conclusion must be that the risk maxim certainly does not always allow for preventive intervention.

VII FEINBERG’S MAXIMS: NO STATISTICAL DISCRIMINATION

As another maxim, Feinberg stresses that we should be very reserved in using statistical criteria in the justification of legal measures, as this will
lead to ‘statistical discrimination’. He discusses the example of excluding age groups (particularly the eighteen- to twenty-one-year-olds) from alcohol consumption. Such a measure cannot be justified by its producing less harm. The fact that a person belongs to a statistically dangerous group may be a good reason for suspecting that he or she will develop some form of criminal behaviour, but membership of that group cannot be equated with actually displaying or developing such behaviour. Even if a dangerous habit like alcohol abuse turns out frequently to occur in a specific group, this would not justify excluding all members of that group from alcohol. On the other hand, it would not be unfair to exclude everyone actually displaying that particular habit irrespective of the group they belong to. In other words, we need to show that there is a clear causal connection between ‘danger-proneness’ and the contested habit. Direct legislation against that habit should then be made, regardless of the group in which it is observed. It is only where such a separation is unsuccessful that, according to Feinberg, using statistical criteria might be an option. But he concludes that even then, except in extreme cases, the obvious unfairness outweighs the reduction of harm (Feinberg, 1984, p. 202).

Extending Feinberg’s reasoning to preventive family intervention, we find very little ground for restricting the parents’ freedom of education in risk families on the basis of statistical criteria. Surely not all risk families will develop behaviour that might put others at risk. Not all those parents will fail or harm their children. Too many other contingent factors determine what will actually happen. Discrimination of risk families by restricting their freedom of education on the basis of statistical criteria would be clearly unjust. In view of the fact that little can be said in general about the risk of harm, it is also questionable what might count as those extreme cases that Feinberg seems to be willing to make an exception for.

Surely, Judy would not be such a case. The main justification for the preventive intervention in her case would be that she belongs to a risk group. But can it be said that the children would have been actually harmed if the weekly visits had not taken place? The intervention may have the long-term effect of producing a more positive outcome for the children. Their upbringing and education will be better than would be the case without support from the volunteer. For some supporters of preventive intervention such as Willems this result alone would be justification enough to restrict the freedom of the mother to educate her children, a restriction that in this particular case does not seem to be very severe. However, following Feinberg, even that slight violation of the parent’s freedom cannot be justified by this kind of statistical discrimination.

VIII FEINBERG’S MAXIMS: INDEPENDENT VALUE

A third maxim suggested by Feinberg relates to what he calls the independent value of the risk-producing conduct. Speeding senselessly around in cars has low value, whereas fast transport to a hospital has very high value. In general, the larger the independent value (Feinberg
sometimes speaks of ‘social utility’) of the activity in question, the greater
the risk of harm must be for its prohibition to be justified (Feinberg, 1984,
p. 191). In cases of great social benefit, a strict standard of probability
should be used. Restriction of (allegedly) risk-creating conduct with
a large independent value can be in order only in cases of clear and actual
danger of harm (p. 192).

In all cases discussed above, the central issue is the parents’ freedom in
the upbringing of their children. This may be thought to open the door to
risk-producing conduct, but it is not necessarily risky in the way that
speeding through the streets or racing to the hospital are. At the same time,
freedom of upbringing and education is considered by many an important
good. It is not only a private interest of the parents involved, but a
common interest of great value according to the three criteria Feinberg
suggests in this connection—viz. its vitality, its contributing to the
amplification of other interests and its moral quality. To most people the
independent value assigned to freedom of education will therefore by far
outweigh its potentially risk-producing character.

It will be clear from the above discussion that the application of the harm
principle is much more difficult than it seemed at first sight. The legislator
will have to use additional maxims in applying the principle. Although
Feinberg allows that the maxims that are applied need not be exactly those
that he has formulated, he emphasises that they must be within the spirit of
the harm principle itself: ‘That principle will still not suffice to legitimize
prohibitions of conduct on the grounds that it is offensive to others, harmful
to the actor, or inherently immoral. Elastic it may be, but it cannot stretch
that far’ (Feinberg, 1984, p. 245; cf. Harcourt, 1999).

IX CONCLUSION

If we follow Feinberg, preventive family intervention cannot in all cases
be backed by the harm principle. All in all, liberal morality does not seem
to leave much room for preventive intervention between the strong non-
intervention principle, on the one hand, and the strict harm principle, on
the other.

Of course, this is our reading of Feinberg. Therefore, we need to make
some qualifications here. Feinberg speaks only in general about possible
forms of imminent harm that might call for state intervention. He does not
deal with the specific and fairly recent idea of preventive intervention in
families. Moreover, the validity of Feinberg’s ideas need not be taken for
granted. There is ample discussion about his views, and proposals have
been made to mitigate his strict interpretation of the harm principle (for
example, Koelega, 2000). In this article we have limited our discussion to
the question whether preventive family intervention is backed by the harm
principle as formulated by Feinberg. In our view, the answer is largely in
the negative.

What are the implications of this conclusion, if correct? We have
noticed that there are cases where common sense seems to require state
interference or at least makes it desirable, even if it cannot be justified on the basis of liberal morality. If we judge that preventive intervention is somehow imperative more often than liberal morality allows for, we will have to find another line of justification that could be acceptable. We conclude by making some remarks on this point.

The reason why we considered it important first of all to look at the possibilities of justifying preventive family intervention in terms of liberal morality is the following. The essential feature of liberal morality is that the policy and institutions of a pluralistic society should not be based on any controversial conception of the good associated with some particular party or group. The state should not adopt such a specific conception of the good. Rather, the state should endorse only those values that enable its citizens to live their lives according to their own, different, (religious) convictions and world-views. Issues depending on discriminating between true and false conceptions of the good are at home in the private sphere, not in politics. Therefore, any form of state interference based on these liberal principles should be reasonably acceptable to all citizens, whatever their different religious views and cultural backgrounds.

If our arguments hold water, however, preventive family intervention by the state can only be partly justified within the limits of liberal morality. More generally, as several authors have pointed out, it is questionable whether all government policies that we may consider imperative in view of current social problems can be completely covered by liberal morality (for example, Gutmann and Thompson, 1990). It has become clear by now that there are many areas—for instance concerning civic education, social cohesion, public morality, the environment (Koelega, 2000)—where measures that cannot be based exclusively on liberal principles are deemed desirable or necessary.

The urgent question therefore is how such matters can be dealt with in ways that are optimally acceptable to as many citizens as possible. If we do not accept that government policies would be arbitrarily based on the particular conception of good held by some particular group in society, can we find principles and procedures in addition to those of liberal morality that enable us to reach the broadest possible consensus with respect to the differentiation between more and less valuable conceptions of the good? If we are right, this thorny question needs to be answered in any case for preventive family intervention. It is clear that a lot of further thinking concerning these matters needs to be done.

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