



Political Theory and *the* Family

Charles Amos
Response by Jake Scott
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Summary

This philosophical discussion paper looks at the creation of the modern welfare state in 1942 and its impact on family formation. By considering various interventions and benefits relating to the formation of families – such as the Family Allowance Act 1945, the Child Benefit Act 1975, Thatcher’s Family Credit system, and New Labour’s Working Family Tax Credit and Child Tax Credit – we attempt to show how government subsidies have contributed to an historic increase in lone parenthood during the post-war period.

There is an established body of evidence in the social sciences to suggest lone parent households are linked to a number of social and economic disadvantages. There is also evidence to show children growing up in lone parent families are statistically more likely to experience later negative outcomes. This discussion paper argues that the creation of the modern welfare state has enabled these problems.

This paper then offers two verdicts on the welfare state. Charles Amos argues for its abolition, maintaining it is incapable of being justified, from a libertarian perspective, due to its un-consensual tax financing. As such, the state impermissibly uses individuals, via the tax system, as mere means, when its objective should simply be to ensure justice, that is, the protection of persons and property. In outlining this argument, Amos draws on Robert Nozick, Murray Rothbard and Herbert Spencer, showing libertarianism to be an improved upon form of rights-based liberalism, as defended by philosophers such as Immanuel Kant and John Locke.

Amos claims that in supporting lone parenthood, the welfare state violates the principle of liberal neutrality. Given this, he maintains even modern liberals should look sympathetically on the case for abolishing family-related benefits. However, he notes compelling arguments to the contrary, and thus rests most of his case against the welfare state on the impermissibility of taxation per se.

Amos then considers two rebuttals to his libertarian arguments from Karl Widerquist and Jeremy Waldron. Widerquist’s independentian critique claims that if an individual, such as a single parent, is forced to work out of necessity, then they can no longer be considered ‘free’. Therefore, welfare is justifiable and necessary as it ensures free participation in the labour market. Waldron, via modern liberal contractualist arguments, takes a more direct route, claiming individuals simply have the right to not undergo severe suffering or death, and this warrants taxation to prevent such eventualities. Each are rejected by Amos due to extrapolations showing such theories permit slavery – an institution he thoroughly condemns.

The second verdict on the welfare state is offered by Jake Scott. In addition to responding to Amos's libertarianism, Scott argues, from a conservative perspective, for why the family is important - and why the state has a legitimate interest in supporting the existence of the traditional family in particular. To do this, Scott first makes a metaphysical distinction between himself and Amos to assert that Amos' central assumption of libertarianism is misleading when discussing families. For Scott, metaphysics is essential when discussing the family, as he maintains we need to understand what we mean when we talk of individuals, persons and so on, to whose flourishing the family is dedicated. Focusing around the work of Immanuel Kant, he argues we cannot fully understand the relationship between a parent and child through 'consent' (a central principle to Amos's argument) because a child does not consent. Parents are compelled by duty to raise their child, and in turn, the child is compelled to submit to its parents – a relationship that a liberal may reasonably view to be 'coercive'. But as Scott writes, Kant's own definition of a 'right' actually includes the justification of coercion, and the metaphysical foundations of 'personhood' – as introduced by Kant and developed by Georg Hegel – no person is born; an individual is born and then becomes a person.

Scott then examines the conservative valorisation of the family, and why it is practically important. By analysing Sir Roger Scruton's work on the family, and the idea that a person may be coerced (by necessity) to enter civil society, but because of their upbringing they are provided with a choice over how they enter it and what they do once they enter, Scott says the conservative will understand the individual's relationship with society. Scruton's argument is that the family is where the individual learns the value of authority and allegiance. Parents will therefore ensure a child is safe from harm, and a child will accordingly learn legitimate authority exists to keep them safe – a knowledge which is transferred to civil society. Scott stresses the state has an interest in preserving the institution of the family.

Finally, Scott makes three recommendations on how the state can shift the focus back to two-parent households. Whilst Amos suggests the removal of all family-related benefits, Scott argues that this would be damaging to the already fragile family life in Britain. For a state which is more supportive of family life, Scott instead recommends that married couples should be taxed as a single person; that mortgage relief should be granted in the first 10 years of any child's life; and that tax relief should be given to larger families.

Welfare policy concerning the family from 1942-2010

Following the publication of the Beveridge Report in 1942, a number of significant acts of legislation came into existence under both the Churchill and Atlee governments.¹ Of greatest significance to our study is the Family Allowance Act of 1945. This Act provided for five shillings a week for each child beyond the first, and wasn't means-tested. At the time this meant a single-earner householder working in industry with three children would receive child benefit equal to 10 per cent of earnings.² Although William Beveridge had recommended an eight-shilling payment, and to all children, the family allowance was still a significant step in founding the welfare state. At this point it is also worth noting the incentive's effects on women in society. Instead of having to be economically dependent on their husbands, this allowance allowed for the possibility, however slight, of financially independent (via dependence on the state) single mothers. In addition to this benefit, Atlee's government also introduced the maternity allowance, which made payments to mothers for 13 weeks, subject to conditions.³

In 1952 the family allowance received a three shillings up-rating, further incentivising the creation of lone parent families by increasing their viability. This system of allowances remained broadly the same, with increases throughout the period, including in 1968, when Harold Wilson increased the allowance, but at the expense of 'clawing back' the family tax allowance on higher earners. To contain the rising costs of the welfare bill, Keith Joseph introduced the Family Income Supplement in 1971, a means-tested benefit focussed on relieving poverty alone. A precedent setting feature of this welfare reform was the high marginal rate of 'tax' on the benefit being 50 per cent for poor families when taking into account taxes and other means-tested benefits being withdrawn.⁴

Dramatic change came about in the late 1970s under Labour's Barbara Castle following Heath's defeat in the 1974 General Election. The Child Benefit Act of 1975 merged together family tax allowances and the family allowance to create a new non-means-tested Child Benefit, which included the first child, thereby meaning 4 million families already in receipt of the family allowance would receive increased payments, and a further 3 million single-child families would receive a payment for the first time.⁵ The result of making Child Benefit available for the first child certainly lowered the cost of single parenting, as no longer did a period of time without government support need to be bridged. Single parents having

¹ James Bartholomew, 2004. *The Welfare State We're In*, London, Biteback, p56.

² Jean A. Flexner, 1947. 'Great Britain: Wage Trends and Policies, 1938-47', *Monthly Labor Review*, Vol, 65, No. 3, Pp 285-292, p288. Author's own calculation based on data in references source.

³ Cordula Zabel, 2009. 'Eligibility for Maternity Leave and First Birth Timing in Great Britain', *Population Research and Policy Review*, Vol. 28, No. 3, Pp 251-270, p253.

⁴ Peter Sloman, 2016. 'The pragmatist's solution to poverty': The Heath government's Tax Credit Scheme and the politics of social policy in the 1970s', <https://www.repository.cam.ac.uk/bitstream/handle/1810/253514/Sloman%202016%20Twenty%20Century%20British%20History.pdf?sequence=1>, p7.

⁵ Hansard, 13th May 1975 'Child Benefit Bill', <https://api.parliament.uk/historic-hansard/commons/1975/may/13/child-benefit-bill>

children was made even easier later, when the first child actually received a higher rate of Child Benefit than subsequent children. Child Benefit payments were phased in between 1977 and 1979. Of particular note to our study is the fact a one parent benefit was also paid, which again tilted the fiscal environment further towards one parent families.⁶

Importantly, this introduction disproportionately treated single parents favourably, by granting a higher rate of Child Benefit per child to lone parents compared to children in traditional families. (Throughout this report we define a traditional family as a married husband and wife with children.) Nonetheless, the policies implemented through the 1940s and into the early 1970s still had the effect of disproportionately benefiting single parents, that is, as a percentage of their income, the benefit would be higher than that percentage for a traditional family.

Throughout the remaining period of the 1970s, the single parent Child Benefit payment was approximately 56 per cent higher than for two parent families.⁷ As a percentage of average gross median household income, the benefit (for two children) was for 6.2 per cent for two parent households, but a much larger 9.6 per cent for single parent households.⁸ Naturally, this created moral hazard, that is, a greater incentive for individuals to become a single parent than to remain in a two parent household.

Into the 1980s, Thatcher's Government increasingly focused on means-testing benefits as a route to reduce public expenditure. In 1982 the income supplement for National Insurance unemployment benefit was abolished, as it was too for sickness benefit. In 1988, following the 1986 Social Security Act, those on Income Support had their council tax rebates reduced from 100 per cent to 80 per cent, and the water and sewerage bill had to be paid out of their own pocket. Large cuts to housing benefit for the low paid (but not the unemployed) were also made.⁹ However, by the time Thatcher left office, welfare spending was pretty much the same as when she arrived in 1979.¹⁰ In particular, single parents did not see any great relative disadvantaging in Thatcher's welfare reforms. Throughout the 1980s (until 1988 and the introduction of Family Credit following the 1986 Social Security Act) the supplementary benefit for lone parents was treated preferentially when it came to tax. While married couples only had £4 of income disregarded before their benefit entitlement was reduced at a pound for pound rate, single parents received the next £16 of income with a 50 per cent withdrawal rate. For example, if a single parent earned £20, then only £8 of the supplementary benefit would be withdrawn, with over £20 of earning being subject to an implicit marginal tax rate of 100 per cent.¹¹ In addition to this beneficial tax treatment, a number of reforms positively encouraged single parenthood. For example, the 1985 Housing

⁶ Patricia Morgan. 2006. *Family Policy, Family Change: Sweden, Italy and Britain*, London, Civitas. p105.

⁷ Institute for Fiscal Studies, 'Child Benefit rates 1946-2016', <https://www.ifs.org.uk/uploads/publications/ff/childbenguardian.xlsx>

⁸ Authors own calculations.

⁹ Hermione Parker. 1995. *Taxes, Benefits and Family Life: The Seven Deadly Traps*, London, Institute of Economic Affairs, p28.

¹⁰ Florence Sutcliffe-Braithwaite, 'Margaret Thatcher, individualism and the welfare state', <https://www.historyandpolicy.org/opinion-articles/articles/margaret-thatcher-individualism-and-the-welfare-state>

¹¹ Andrew Dilnot and Alan Duncan, 1992. 'Lone Mothers, Family Credit and Paid Work', *Fiscal Studies*, Vol. 13, No. 1, p3.

Act made it a statutory obligation for local authorities to provide lifelong social tenancies for the homeless who fell into priority-need categories, such as lone parents either pregnant or with dependent children. Indeed, one of the issues with this legislation was it obliged the local authorities to provide housing to those who were unintentionally homeless, which meant parents could produce a notice to quit on their pregnant 16-year-old daughter, enabling her to then secure council accommodation.¹² No doubt by the 1990s this legislation helped produce the outcome of 75 per cent of lone parents being housed in the public sector, compared to around only 20 per cent of married couples.¹³ In 1987 the maternity grant was substantially increased (though also means-tested), which further encouraged lone parenthood, particularly among the poorest.¹⁴ This is so because relative to living with a partner, the grant typically replaced a larger element of household income, due to the lower income of lone parents.

Under the Major government, policy towards the traditional family was more mixed, reflecting a growing concern among ministers, such as John Redwood and Peter Lilley, that single parenthood was leading to a number of social problems, like crime. In 1993, Chancellor Norman Lamont began reducing the value of the Married Couples Tax Allowance, which was eventually abolished in 2001 under Gordon Brown.¹⁵ Additionally, in the same year, payments for childcare were announced for families on receipt of Family Credit, disproportionately benefiting single mothers.¹⁶ Yet New Right¹⁷ thinkers were successful in other areas. Significantly, the 1996 Housing Act abolished the priority of lone mothers in the queue for social housing, thereby seriously raising the cost of teenage pregnancy and discouraging its uptake. Additionally, the 1991 Child Support Act, which established the Child Support Agency, required absent fathers to make regular payments to mothers to support their children, thereby raising the cost of separating from a marriage for the male partner.¹⁸ Nonetheless, since the benefit system still disproportionately treated and effected single parents favourably, benefit fraud was rife. Many couples pretended they were living in separate households so the wife's benefits weren't reduced to account for her husband's income. In 1994 this type of benefit fraud cost the taxpayer £450 million, out of £1.4 billion of benefit fraud in total.¹⁹

The election of New Labour in 1997 saw measures introduced to reduce child poverty with little or no support for marriage or traditional family structures. The introduction of free part-time nursery places, initially for 12.5 hours a week for 33 weeks of the year, set the

¹² Patricia Morgan, 2007. *The War between the State and the Family*, London, Institute of Economic Affairs, p61.

¹³ Ibid.

¹⁴ Ibid, p63.

¹⁵ Patricia Morgan, 1999. *Farewell to the Family?: Public Policy and Family Breakdown in Britain and the USA*, London, Institute of Economic Affairs, p34.

¹⁶ Ibid, p35.

¹⁷ *The New Right was a movement of individuals who emerged from the 1960s onwards who advocated economic liberalism combined with social conservatism. Both Ronald Reagan and Margaret Thatcher are said to embody its principles.*

¹⁸ Pascall, G. 1997. 'Women and the Family in the British Welfare State: The Thatcher/Major Legacy', *Social Policy and Administration*, Vol. 31, No. 3, Pp 290-305, p291.

¹⁹ Green, D. 1999. *An End to Welfare Rights: The Rediscovery of Independence*, London, Institute of Economic Affairs, p86.

precedent for increased state intervention into the provision of childcare.²⁰ In 2004, free nursery places were expanded to three-year-olds, and the childcare credit dramatically expanded.²¹ By 2005 a lone parent with earnings of £5,220 qualified for up to £10,920 a year in childcare costs.²² By 2010, parents were entitled to 15 hours of free childcare each week.²³ Altogether state spending on childcare increased substantially as a result of the preceding, from 1997/8, expenditure rose from about 0.175 per cent of GDP to over 0.4 per cent of GDP by 2009/10.²⁴

In 1999, Gordon Brown introduced the Working Family Tax Credit and Child Tax Credit, replacing Thatcher's Family Credit system. This was substantially more generous than before and involved lower taper rates for the credits removal upon higher earnings.²⁵ Although the lone parent premium and lone parent benefit were merged into the income support family premium and Child Benefit in 1997, lone parents nonetheless continued to receive preferential treatment in the benefit system.²⁶

Child Tax Credit was introduced in April 2003 by then-Chancellor of the Exchequer, Gordon Brown. This means-tested payment was intended to help with the additional household costs of having children. At the time Gordon Brown boasted that 'no government has spent as much on children and families.'

Unlike other tax credits, Child Tax Credit is a direct cash payment to the main carer. At the time of its launch the intention was to provide support to families with incomes of £58,000 (£86,000 in 2021 prices) or below; and for the first year of a child's life, for families earning up to £66,000 (£98,000 in 2021 prices) to receive payments. The New Labour Governments made bold claims about spending on families and children, with the Child Tax Credit costing more than £3 billion alone (adjusted for today's prices) in 2002 and described as a redistribution 'from dads to mums' by the then-Chancellor of the Exchequer.

During Blair's first term from 1997 to 2002, the real term value of benefits for a single parent with two children under 11 increased by 33 per cent, and if the single parent was working, it increased by 44 per cent. This compares to respective increases of only four per cent and 11 per cent between 1988 and 1997.²⁷ As before, single parent families were being disproportionately favoured. As a proportion of disposable income, benefits to single mothers with one child increased from 14.7 per cent in 1975 to 32.7 per cent in 2003, while

²⁰ *In a traditional family, the introduction of free part-time nursery places is not of great benefit as usually a mother can look after the children while her husband goes to work – thereby already providing the family with free childcare. On the other hand, for a single parent – who would have to either pay high sums for other forms of childcare or rely on relatives – the offer of free childcare has a greater financial impact and makes the single parent household seem less unappealing.*

²¹ Ryan Bourne and Len Shackleton, 2016. *Getting the State out of Pre-School and Childcare*, London, Institute of Economic Affairs, p15.

²² Patricia Morgan, 2007. *The War between the State and the Family*, London, Institute of Economic Affairs, p67.

²³ Ryan Bourne and Len Shackleton, 2016. *Getting the State out of Pre-School and Childcare*, London, Institute of Economic Affairs, p15.

²⁴ *Ibid.*

²⁵ Andrew Dilnot and Julian McCrae, 'The Family Credit System and the Working Families' Tax Credit in the United Kingdom', <https://ifs.org.uk/bns/bn3.pdf>

²⁶ BBC News, 'Briefing – Lone parent benefits', http://news.bbc.co.uk/1/hi/special_report/1997/uk_politics/38371.stm

²⁷ Andrew Dilnot and Julian McCrae, 'The Family Credit System and the Working Families' Tax Credit in the United Kingdom', <https://ifs.org.uk/bns/bn3.pdf>, p10.

for single earner couples, the increase was only from 3.4 per cent to 5.4 per cent.²⁸ In many, if not most cases, single parent households were receiving more of their income from the state than any other source. If a lone mother with two children under 11 worked 25 hours a week, at £3.60, the average time and close to the average wage for single parents at the time of 1999, she would receive £78.50 in Working Family Tax Credits and a further £23.25 in Child Benefit. In total, her weekly income would be £191.75, of which only £90 would have been earned, meaning 53 per cent of income would have come from the state.²⁹ Furthermore, this calculation is not accounting for the up to £150-worth of childcare the single parent could have received at a 70 per cent subsidisation.³⁰

In 1999/2000, lone parents received £15 disregards for income support, meaning £15 could be earned before welfare payments started to be reduced. This compared to a £5 disregard for single individuals, and a £10 disregard for couples. The disproportionate treatment of the welfare state is clear to see here. Per adult in the household, single parents received 200 per cent more income disregard than couples (at £15 and £5, respectively).³¹

While these policies no doubt reduced relative poverty (defined as 60 per cent below median income), at least in the short-term, it did come at the expense of higher taxes on the middle classes, who were (and still are) disproportionately likely to adopt the traditional family structure. In part, the substantial increase in means-tested benefits, and corresponding rise in taxes on the middle class, may be attributable to actual increases in the poverty rate among couples with children. From 1996/7 to 2010/11, poverty among self-employed couples increased from 21.8 per cent to 23.5 per cent, and for two earner couples, from 1.5 per cent to 2.3 per cent.³²

As James Bartholomew and Patricia Morgan have both outlined, this system of benefits created a significant risk of benefit fraud. Widespread fraud during this period is demonstrated by the fact that in 2004/5, 2.1 million lone parents were paid lone parent benefits, despite reliable evidence stating there were only 1.9 million lone parents in the entire UK.³³ This level of fraud had been known for a long period. In 1997, the Department of Social Security's Benefit Agency conducted a study of 4,000 claimants, finding 18 per cent of lone parents were definitely committing fraud, with a further nine per cent possibly doing so.³⁴ This way, the father could earn money without the household's benefit income being affected. During the mid-2000s, joint gross income had to reach nearly £50,000 before there were no benefit disadvantages to a couple declaring they were living together.³⁵

²⁸ Patricia Morgan, 2007. *The War between the State and the Family*, London, Institute of Economic Affairs, p68.

²⁹ Green, D. 1999. *An End to Welfare Rights: The Rediscovery of Independence*, London, Institute of Economic Affairs, p24.

³⁰ *Ibid*, p25.

³¹ *Ibid*, p84.

³² Robert Joyce and Luke Sibieta, 'An assessment of Labour's record on income inequality and poverty', *Oxford Review of Economic Policy*, Vol. 29, No. 1, Pp 178-202, p196.

³³ Patricia Morgan, 2007. *The War between the State and the Family*, London, Institute of Economic Affairs, p75.

³⁴ James Bartholomew, 2004. *The Welfare State We're In*, London, Biteback, p80.

³⁵ *Ibid*.

The totality of the preceding occurred at the same time as the percentage of dependent children in lone parent households increased from under 10 per cent in 1971 to about 22 per cent in 2008.³⁶ By 2010, 26 per cent of all families with children were headed by lone parents.³⁷ Between 1975 and 2003, real terms expenditure on single parent benefits more than doubled, from £10 billion to £22 billion (in 2004 prices), with the spending per child (that is, the figure which factors into parental calculations in having children) rising by 250 per cent. Most of this increase was made up by means-tested benefits, which, while making the overall welfare system more affordable, created serious poverty traps due to the typically high implicit tax rate created through low tax and national insurance thresholds, as well as a steep rate of benefit withdrawal upon greater earnings.³⁸ Overall, the welfare system, along with countless other social causes, created a situation in 2019 whereby there were 2.94 million lone parent families, of which, 2.56 million were led by mothers.³⁹

In the next section we will make clear the causal link between higher lone parent benefits and the greater prevalence of that household type in the population. Nonetheless, it should be emphasised here we do not see the welfare state as the sole cause of the rise in lone parent families and the decline in traditional families. There are numerous factors behind the trend which are too great to mention. However, we maintain increased welfare is an independent factor in leading to the greater prevalence of lone parent families, and as such our investigation is warranted.

³⁶ Stephen Hunt, (Ed.) 2009. *Family Trends, British families since the 1950s*, London, Family and Parenting Institute, p34.

³⁷ Harry Benson, 'Why Are Lone Parent Families Declining in the UK', <https://ifstudies.org/blog/why-are-lone-parent-families-declining-in-the-uk>

³⁸ Nicholas Barr. 2012. *Economics of the Welfare State*, Oxford, Oxford University Press, p201.

³⁹ ONS, 'Families and households in the UK: 2019', <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2019>

Lone parent families and the problems they experience: A recent history from 1980-2022

The central thesis of this chapter is children growing up in lone parent families or experiencing family breakdown are statistically more likely to experience disadvantages.⁴⁰ Importantly, it will be held that this is true even holding all other relevant factors, such as socio-economic status, and characteristics, constant. Furthermore, it will be argued that the increase in welfare for lone parent families, and generally, has led to an increase in their number, and as such, welfare has directly contributed to wider social problems.

Recent analysis commissioned by the Centre for Social Justice think tank shows a link between family breakdown in childhood and later negative life experiences, likely to require a state response. This work conducted by ComRes controlled for age, gender, socio-economic grade and ethnicity, and showed that experiencing family breakdown in childhood means you are:

- ‘Over twice as likely (2.3 times) to experience **homelessness**
- Twice as likely (2.0 times) to be in **trouble with the police** or **spend time in prison**
- Almost twice as likely (1.9 times) to experience **educational underachievement**
- Almost twice as likely (1.9 times) to experience **not being with the other parent of their child/ren**
- Approaching twice as likely (1.8 times) to experience **alcoholism**
- Approaching twice as likely (1.7 times) to experience **teen pregnancy**
- Approaching twice as likely (1.7 times) to experience **mental health issues**
- More likely (1.6 times) to experience **debt**
- More likely (1.4 times) to experience being on **benefits**’.

Only drug addiction did not emerge as having a statistically significant relationship with experiencing family breakdown before the age of 18.⁴¹

Crime

The children of lone parent families have in recent history committed significantly more crime than those coming from traditional families, even controlling for relevant social factors such as income. A 2002 study cited by the Centre for Social Justice found 70 per cent of young offenders were brought up in lone parent households, an overwhelming figure given less than 20 per cent of children fell into that group.⁴² Studies have also found,

⁴⁰ Despite this report outlining the clear negative effects associated and caused by many lone parents, we do not see the lone parent family/household as intrinsically bad or wrong. Nonetheless, it is a family structure so closely associated with bad effects, however many exceptions there may be to this tendency relative to other family structures.

⁴¹ Centre for Social Justice, ‘Why Family Matters: A comprehensive analysis of the consequences of family breakdown’, <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2019/04/CSJJ6900-Family-Report-190405-WEB.pdf> p19 & p20.

⁴² Ian Duncan Smith, 2007. *Being tough on the causes of crime: Tackling family breakdown to prevent youth crime*, London, Centre for Social Justice, p6.

controlling for factors such as socio-economic conditions and intelligence, boys raised by lone parent families are twice as likely to have committed a crime which has led to imprisonment by the time they reach 30, compared to those brought up by married couples.⁴³ Coughlin and Vuchinich, also controlling for socio-economic factors, reaffirm this conclusion, finding '[c]hildren in stepfamilies or single-mother families at age 10 were more than twice as likely to be arrested by age 14 as children with two biological parents in residence'.⁴⁴

The preceding compares to the beneficial effects of the traditional family. For example, married men are found to be far less likely to be engaged in criminal activity. A 1995 Home Office study found 'that the variable most likely to exert an effect on desistance [from criminal activity] among [young] males was marriage, which increased the odds of desistance by a factor of three.'⁴⁵ The basic rationale for why this is the case is that married men spend more time with their wives than with their peers, who will, relatively speaking, be more likely to encourage criminal activity.

More recent evidence still reflects the conclusion found in the 1990s, that is, the children of lone parents commit crime at an above average rate. A 2020 literature review of 48 empirical studies found the evidence 'strongly suggest[s] the existence of a positive association between growing up in a single-parent family and crime by adolescents.'⁴⁶ And importantly, most of the studies controlled 'for parental resources and parental attachment' but still found that 'adding these constructs did not alter the results.'⁴⁷ According to a 2011 study, 70 per cent of young offenders 'come from families whose parents have separated.'⁴⁸

Mental Health

Lone parents are also more likely to bring up children who experience mental health problems. A 2019 ONS study found only six per cent of five to 10-year-old children from married families had a mental disorder, compared to 17 per cent of children of lone parents.⁴⁹ Parental disruption, according to one study, increases the chance among daughters of marital disruption by 70 per cent, which in turn can lead to the aforementioned negative effects on their children.⁵⁰ According to the Marriage Foundation's analysis of the Millennium Cohort study, 'more than a third of (36 per cent) children whose parents had split up reported poor mental health, compared to only a fifth

⁴³ Harper & McLanahan in Brendan O'Neill. 2003. *Does marriage matter*, London, Civitas, p24.

⁴⁴ Chris Coughlin and Samuel Vuchinich. 1996. 'Family Experience in Preadolescence and the Development of Male Delinquency', *Journal of Marriage and Family*, Vol. 58, No. 2. Pp 491-501, p498.

⁴⁵ *Ibid.* p183.

⁴⁶ Janique Kroese., Wim Bernasco, Aart C. Liefbroer and Jan Rouwendal, 2021. 'Growing up in single-parent families and the criminal involvement of adolescents: a systematic review', *Psychology, Crime & Law*, Vol. 27, No. 1. Pp 61-75, p69.

⁴⁷ *Ibid.* p70.

⁴⁸ Sophia Worringer, 'Family Structure Still Matters', <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2020/10/CSJJ8372-Family-structure-Report-200807.pdf>, p14.

⁴⁹ ONS, 'Children whose families struggle to get on are more likely to have mental health disorders', <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/childhealth/articles/childrenwhosefamiliesstruggletogetonaremorelikelytohave mental disorders/2019-03-26>

⁵⁰ Sophia Worringer, 'Family Structure Still Matters', <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2020/10/CSJJ8372-Family-structure-Report-200807.pdf>, p15.

(22 per cent) with parents who were still together.⁵¹ Recently the Centre for Social Justice has also found, controlling for social conditions, children who have experienced family breakdown are 1.8 times more likely to suffer from alcoholism, 1.7 more likely to experience teenage pregnancy, and 1.6 times more likely to experience debt.⁵² All of these no doubt reinforcing poor mental health.

Education

Children of lone parents have also faced far worse educational outcomes relative to the children of traditional families in recent history. According to one study, children of single mothers were 13.7 per cent more likely not to have achieved A levels, and even after adjusting for socio-economic effect, this figure remained a large 8.3 per cent compared to average children of the same age.⁵³ A 1980s study also found the impact on a child's education was particularly acute if they lived with a single parent during their preschool years, finding that for each year spent in a lone parent family, educational attainment decreased by almost a tenth of a year.⁵⁴ A 2003 study of 11 countries found lone parenthood 'is associated with lower math and science achievement among young children' compared to two parent children, and that a difference in 'family resources cannot account for this significant gap'.⁵⁵ Another study also found 'poorer school performance of children from lone parent families cannot be explained by the greater tendency of lone parent families to possess certain characteristics which are unfavourable to educational attainment'.⁵⁶ A large scale study of 10,000 British children again found those from married families were twice as likely to have achieved some qualification by the time they were 33-years-old compared to those coming from a lone parent family.⁵⁷ Although it should be noted this last study did not control for socio-economic factors.

As before, the causal relationship between growing up in a lone parent family and achieving poor educational results is multifaceted, but nonetheless intuitive. If the lone parent, usually a mother, decides to go out to work, then the child cannot be cared for in the same way. Equally, the absence of a father (for sustained periods) also contributes to less investment in the child, as well as the absence of a male role model. In later life this proves particularly unfortunate as fathers, through work connections, often provide jobs for their children. This relative lack of attention and supervision has also been found to have led to

⁵¹ Marriage Foundation, 'Family breakdown has a major influence on teen mental health', <https://marriagefoundation.org.uk/research/family-breakdown-has-a-major-influence-on-teen-mental-health/#:~:text=Family%20breakdown%20is%20the%20biggest,parents%20who%20were%20still%20together.>

⁵² Centre for Social Justice, 'Why Family Matters: A comprehensive analysis of the consequences of family breakdown', <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2019/04/CSJJ6900-Family-Report-190405-WEB.pdf>, p5.

⁵³ John F. Ermisch and Marco Francesconi. 2001. 'Family Structure and Children's Achievements' *Journal of Population Economics*, Vol. 14, No. 2, Pp 249-270, p259.

⁵⁴ Sheila Fitzgerald Krein. 1986. 'Growing up in a Single Parent Family: The Effect on Education and Earnings of Young Men', *Family Relations*, Vol. 35, No. 1, Pp 161-168, p164.

⁵⁵ Suet-ling Pong, Jaap Dronkers and Gillian Hampden-Thompson. 2003 'Family Policies and Children's School Achievement in Single-Versus Two-Parent Families', *Journal of Marriage and Family*, Vol. 65, No. 3, Pp 681-699, p694-5.

⁵⁶ Jaap Dronkers. 1994. 'The Changing Effects of Lone Parent Families on the Educational Attainment of their Children in a European Welfare State', *Sociology*, Vol. 28, No. 1, Pp 171-191, p189.

⁵⁷ Brendan O'Neill. 2003. *Does marriage matter*, London, Civitas, p14.

teenagers taking less account of parental input, therefore making them more susceptible to peer pressure, which is often detrimental to their long-term wellbeing.⁵⁸

Educationally, the children of single parents still perform worse compared to those raised in traditional families today. A 2015 study found the children of alternative families all had a lower rate of high school completion, university enrolment and university completion compared to children of married biological parents.⁵⁹ The same study also found children of traditional natural families were least subject to cognitive delay, while the groups of children most likely to exhibit this feature had stepfathers as parents.⁶⁰

Poverty

Lone parent families throughout recent history have always disproportionately made up those who live in poverty. Individuals living in lone parent families, despite only making up four per cent of the total population in 1979 and eight per cent in 1996, have consistently made up a far larger proportion of the bottom 10 per cent of the income distribution.

The Social Metrics Commission (SMC) poverty monitor consistently shows lone parenthood to be a significant indicator of likely poverty. Analysts at the SMC have demonstrated that lone parents are significantly overrepresented in poverty measures. While people in lone parent families represent just over seven per cent of the UK population, they represent 18.2 per cent of the population of people in poverty.⁶¹ Lone parents have twice the official poverty rate as couple families, with more than half of people in lone-parent families judged to be in poverty compared to a quarter of couples with children.⁶² The same pattern applies for persistent poverty (where poverty has been experienced for four or more years), with 30 per cent of lone parents in persistent poverty versus 15 per cent of couples with children.⁶³

Established government poverty figures show that children in families that break apart are more than twice as likely to experience poverty as those whose families stay together.⁶⁴

Children of single parents are also far more likely to be in poverty compared to children from traditional families. Forty-seven per cent of children of single parents live below the poverty line compared to only 24 per cent of children from couples.

⁵⁸ Patricia Morgan, 1999. *Farewell to the Family?: Public Policy and Family Breakdown in Britain and the USA*, London, Institute of Economic Affairs, p170.

⁵⁹ Zheng Wu, Christoph M. Schimmele and Feng Hou. 2015. 'Family Structure, Academic Characteristics, and Postsecondary Education', *Family Relations*, Vol. 64, No. 2, Pp 205-220, p211.

⁶⁰ Sophia Worringer, 'Family Structure Still Matters', <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2020/10/CSJJ8372-Family-structure-Report-200807.pdf>, p13.

⁶¹ Social Metrics Commission, 'Measuring Poverty 2018: A report of the Social Metrics Commission', <https://www.socialmetricscommission.org.uk/MEASURING-POVERTY-SUMMARY-REPORT.pdf>

⁶² Ibid.

⁶³ Ibid.

⁶⁴ David Cameron, Life Chances Speech, January 2016.

As is the case with all sociological matters, there are numerous explanations for this situation. The simplest explanation is lone mothers, who overwhelmingly head lone parent households, have two competing roles to fulfil, that is, of being a mother and a breadwinner. Without being able to focus exclusively on one or the other, specialisation, and therefore increased productivity, is absent. In recent history this has meant if single mothers do work, they typically have done so in low positions or in part-time roles, particularly in retail. Nonetheless, as has been clear throughout this paper, state benefits have made up an increasing proportion of the income of lone parents, in many cases allowing them not to work to provide for their children. This is confirmed by 2004 data which showed 46 per cent of lone parent households worked no hours whatsoever (not even one), compared to a figure of only five per cent for couples with children.⁶⁵ In 2002, lone parent families received an average of 66 per cent of their income from tax credits and benefits.⁶⁶ Evidently, though, if a lone parent is relying on benefits for her income she will be in poverty, or rather her household will be in relative poverty (defined as 60 per cent below median income).⁶⁷

According to the Government's 'own analysis family breakdown is directly linked to families experiencing poverty for the first time.'⁶⁸ Given two households have to cover the fixed costs of living twice, it is no surprise living standards per head typically fall upon divorce, even accounting for generous welfare payments.⁶⁹ An evidence review conducted in 2014 for the British Government found 'that lone parents are one of the highest risk groups for persistent poverty, and have some of the highest entry rates into poverty, and lowest exit rates from poverty.'⁷⁰ A recent American study has also found that 80 per cent of children born in poverty to married parents were likely to move out of poverty, yet this was only true for 50 per cent of children born to single parents.⁷¹ Overall, the result of this family breakdown costs the taxpayer hugely. A 2016 study by the Relationship Foundation found the total cost of family breakdown to be £48 billion annually, in large part due to high welfare payments made to single parents.

The 'Marriage Gap'

The impact of lone parenthood and cohabitation is particularly prevalent among the poor. As of 2018, only 35 per cent of individuals in low-income groups were married, compared to 76 per cent in high income groups.⁷² It is plausible that part of the reason for this is the fact

⁶⁵ Patricia Morgan, 2007. *The War between the State and the Family*, London, Institute of Economic Affairs, p32.

⁶⁶ Ibid. p35.

⁶⁷ Patricia Morgan. 2006. *Family Policy, Family Change: Sweden, Italy and Britain*, London, Civitas, p78.

⁶⁸ Ibid, p9.

⁶⁹ Relationships Foundation, 'Counting the Cost of Family Failure', <https://www.relationshipsfoundation.org/wp-content/uploads/2016/02/Counting-the-Cost-of-Family-Failure-2016-Update.pdf>, p3.

⁷⁰ HM Government, 'An evidence review of the drivers of child poverty for families in poverty now and for poor children growing up to be poor adults', https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/285389/Cm_8781_Child_Poverty_Evidence_Review_Print.pdf p63.

⁷¹ Ibid.

⁷² Harry Benson, 2021, *Wedding Costs and the Marriage Gap*, Romford, The Marriage Foundation, p1.

welfare has a larger influence over the decisions of low-income individuals. If a skilled middle-class female is considering getting married to an equally skilled middle-class male, welfare will pay no or little part in her considerations, as choosing not to get married is unlikely to entitle her to welfare benefits due to her high income, which means she won't receive income support whatever she decides. Since 1988, coinciding with the dramatic increase in means-tested tax credits, the marriage gap, that is, the rate of marriage among higher earners versus lower earners, has increased from 21 per cent to 44 per cent.⁷³

The views of the public

Importantly, most of the public are in agreement that lone parenthood, especially for children is not ideal. Eighty-four per cent of the public agree the government is right to say family stability matters for children.⁷⁴ Indeed, even 67 per cent of divorced individuals agree family breakdown is a serious problem for Britain currently.⁷⁵ Those who are most impacted by lone parenthood, that is, those who were brought up by just one biological parent, agree in 75 per cent of cases that it is important to be brought up by both parents.⁷⁶ What this displays is, even from the perspective of children in lone parent households, their experience is suboptimal, subjectively understood, that is, irrespective of objective measures.

⁷³ Ibid.

⁷⁴ Centre for Social Justice, 'Why Family Matters: A comprehensive analysis of the consequences of family breakdown', <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2019/04/CSJJ6900-Family-Report-190405-WEB.pdf>, p54.

⁷⁵ Ibid.

⁷⁶ Ibid.

Welfare policies concerning the family today

Since 2010, the welfare state has undergone significant reforms, particularly so with the introduction of Universal Credit. Indeed, to a certain extent, Sir Iain Duncan Smith, Work and Pensions Secretary from 2010-16, was motivated by the reasoning of the aforementioned New Right thinkers in conducting his reformist agenda. Nonetheless, as the following will demonstrate, the benefit system still favours single parent families over traditional families. This is so even taking into account the reintroduction of the Marriage Tax Allowance in 2015, which today stands at £1,260.⁷⁷ As has been made clear in the preceding chapter looking at recent history, single parenthood can have seriously detrimental effects for parents, children and wider society.

Universal Credit

Sir Iain Duncan Smith, the prime mover behind Universal Credit, has called the programme ‘the biggest change since Beveridge introduced the welfare system’.⁷⁸ The benefit, fully rolled out across the UK by 2018, merged the following benefits into one: Child Tax Credit, Housing Benefit, Income Support, income-based Jobseeker’s Allowance, income-related Employment and Support Allowances (ESA) and Working Tax Credit.⁷⁹ It helps those who are either out of work or on a low income, and is usually paid monthly.⁸⁰

Nonetheless, despite the reform occurring under a Work and Pensions Secretary inspired by welfare-sceptics, Universal Credit continues to systematically advantage single parent families at the expense of traditional families. At a very basic level this is displayed in Table 3.1, outlining standard Universal Credit payments for different types of households and ages:

Table 3.1.

Age	Single	Couple
Under-25	£265.31	£416.45
Over-25	£334.91	£525.72

Source: HM Government, 2022, ‘Universal Credit – What You’ll Get’. **Note:** All figures are monthly and are Universal Credit Standard Allowances without the Covid-19 uplift.

Clearly this welfare structure, all other things being equal, discourages individuals from forming couples. When two low-income (over-25) individuals form a single household, their per head benefits will fall from £334.91 to £265.31. As before in the benefit system, this

⁷⁷ Low Income Tax Reform Group, ‘What tax allowances am I entitled to?’, <https://www.litrg.org.uk/tax-guides/tax-basics/what-tax-allowances-am-i-entitled-to/#what-is-the-married-couples-allowance>

⁷⁸ Ian Duncan Smith in Child Poverty Action Group. 2017. *Broken promises: What has happened to support for low income working families under universal credit?* London, Child Poverty Action Group, p4.

⁷⁹ HM Government, ‘Universal Credit’, <https://www.gov.uk/universal-credit>

⁸⁰ HM Government, ‘Universal Credit and landlords’, <https://www.understandinguniversalcredit.gov.uk/universal-credit-and-landlords/what-universal-credit-means-for-landlords/>

benefit structure disproportionately treats single parent households favourably, in addition to simply affecting them beneficially to a greater extent than traditional families. Differences such as these in the welfare system also encourage fraud.⁸¹ Indeed, in 2019/20, 7.6 per cent of Universal Credit by value could be accounted for by fraud. This fraud totalled £1.39 billion, or about £44 for every income taxpayer in the country.⁸²

The following presents three cases studies, in all cases looking at the poorest of individuals: a traditional family, a non-working single mother and a part-time working single mother. All are located in Ramsbottom, with the mother being aged 29 and, where applicable, the father being aged 31. Other conditions are included in the below.

Table 3.2.

Weekly	Traditional family	Single mother (non-working)	Single mother (part-time working)
Universal Credit	£204.47	£300.64	£260.70
Council Tax Support	£0	£21.20	£0
Child Benefit	£36.25	£36.25	£36.25
Total Benefit Income	£240.72	£358.09	£296.95
Gross Earned Income	£380.40	£0	£152
Post-Tax Earned Income (including MTA)	£317.85	£0	£152
Marriage Tax Allowance	(£5.25)	£0	£0
Total Weekly Income	£558.57	£358.09	£448.95

Note: These case studies are based on the following assumptions. Every household is addressed at BLO OAT in Ramsbottom, and is based in a private tenancy. Each household has two children aged one and three, entitling both the traditional family and single mother households to two-bedroom accommodation, up to the rental value of £110.47 a week, falling under the Local Housing Allowance of Bolton and Bury for 2022-23. The hours of work for the husband in the traditional family is assumed to be 40 hours at a minimum wage of £9.50 per hour. The part-time working mother is assumed to work 16 hours, and the non-working mother zero hours.

⁸¹ Department of Work and Pensions, 'Fraud and Error in the Benefit System 2019/20', https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/888423/fraud-and-error-stats-release-2019-2020-estimates-revised-29-may-2020.pdf

⁸² Emma Agyemang, 'Income tax bill for UK taxpayers doubles since the millennium', <https://www.ft.com/content/e23c68cf-2b43-409e-a231-4d64195ba499>

Source used for calculations: Entitledto.co.uk. Marriage tax allowance accounted for by dividing yearly saving of £252 by the 48 weeks worked added onto Entitled.co.uk calculations.

This case study shows a non-working single mother will receive approximately 64.1 per cent of a traditional family's income, and if working part-time for 16 hours a week, 80.37 per cent. As the aforementioned Universal Credit rates suggest, single parents receive a far higher per head payment from the state for their household. For the case studies above, per head benefit income is 98 per cent higher for the non-working single parent than for the traditional family, and 64 per cent higher for the part-time working single parent. If the welfare state was neutral between different conceptions of the good life, as we shall argue it should at the very least be in our conclusion, then single parenthood would be relatively discouraged, as the per head benefit rate would be equal across all family types.

More generally, the welfare state makes possible single parenthood as a lifestyle choice, while this would not be possible without state support. While the traditional family could live without state support, it would not be possible for the non-working single mother, and it would be incredibly difficult for the part-time working single mother. As such, the government must be considered, to a very large extent, to be responsible for the increased prevalence of single parenthood across the country, with all the negative features such a family structure typically creates. Some may see this reasoning as pure economic determinism, which is of course not our suggestion, for family formation is impacted by a number of other factors. Nonetheless, as Gary Becker has pointed out, the welfare system plays a large part in such formation, especially when the welfare benefits involved are large, as they are here, making up between 66 per cent and 100 per cent of the single parent households' incomes studied here.⁸³ It should be an evident truth that if the opportunity cost of breaking up a traditional family is seeing your household income fall by 19.63 per cent, or by £109.62 a week (as the divorced mothers working part-time may receive, see Table 3.2), you are more likely to break up compared to the situation of household income falling by 52.18 per cent, or by £165.85 a week, as would be the case if the welfare system did not exist (see part-time single mother working without benefit income). In other words, the state systematically lowers the opportunity cost of lone parenthood, via welfare subsidisation, and therefore, all other things being equal, encourages it.

Corruption in the welfare system can also be seen to pay due to the current benefits structure. If a mother who actually lives with the unmarried father of her children claims she lives alone, she will receive £358.09 in benefits (see Table 3.2). If the father is then registered at a false address, he can bring in another £312.60 in earnings (£5.25 lower due to the absence of the marriage tax allowance), taking the total household income to £670.69, 20 per cent higher than if the family was honest and declared they lived together (see traditional family in Table 3.2). No doubt, this structure is part of the reason for the aforementioned £1.8 billion of fraud in the Universal Credit system.

⁸³ Gary Becker, 1981, *A Treatise on The Family*, Cambridge, Harvard University Press.

At this point it should be clear to the reader that the present welfare state still encourages the creation of single parent families, and therefore relatively discourages the traditional family. Nonetheless, the introduction of Universal Credit must be said to incentivise this creation to a lesser extent than the welfare system of tax credits, which was the legacy of Blair and Brown. Research by the Institute for Fiscal Studies has found while almost 50 per cent of couples with children will have gained between £100 to over a £1000 due to Universal Credit, this is only true for just over 30 per cent of lone parents.⁸⁴ Overall, the new system allows for couples to be slightly advantaged relative to lone parents, compared to the old system.⁸⁵

Further to this, since 2008, lone parents have been required to seek work, while before then this was not required of them until their children were aged 16. Since Universal Credit has been introduced, single parents are now required to start seeking work from the time at which their children are aged three.⁸⁶ Since work typically implies disutility, this has most probably resulted in discouraging single parenthood.

Childcare

Unlike the situation in the 1980s, the state now takes a very large role in the subsidisation of childcare.⁸⁷ The 2016 Childcare Act took the unprecedented step of expanding free childcare to 30 hours a week, for 38 weeks of the year, expanding the provision from 15 hours in 2010.⁸⁸ This is available to both in and out of work parents, subject to certain conditions. The total cost of this policy to the government was £3.3 billion in 2018-19 (in 2019-20 prices). When accounting for means-tested childcare and the 'cost' of VAT exemptions, and subsidisation,⁸⁹ the total cost rises to £5.4 billion.⁹⁰ This is the equivalent of each and every income taxpayer contributing £170.89 to the schemes.⁹¹

As with almost all welfare provision, single parents benefit disproportionately compared to their income, this being especially so since single parents will typically qualify for means-tested support in addition to the near universal provision of certain childcare. Childcare spending as a percentage of net household income for a single parent household with two children on two-thirds of the average wage is 105 per cent. Of this 105 per cent, around 90 percentage points is financed by state subsidy, meaning this household receives resources in childcare from the state almost equivalent to their net earnings. Without doubt, such a

⁸⁴ Mike Brewer, Robert Joyce, Tom Waters and Joseph Woods. *Universal Credit and its impact on household incomes: the long and short of it*, London, Institute for Fiscal Studies, p13.

⁸⁵ Ibid.

⁸⁶ Sue Cohen, 'The Punitive Impact of Universal Credit on the Life Chances of Single Parents with Children Under 5',

<https://wbg.org.uk/blog/the-punitive-impact-of-universal-credit-on-the-life-chances-of-single-parents-with-children-under-5/>

⁸⁷ Ryan Bourne and Len Shackleton, 2016. *Getting the State out of Pre-School and Childcare*, London, Institute of Economic Affairs, p15.

⁸⁸ Ibid.

⁸⁹ For example, if an individual is on working tax credits, they can receive a reimbursement of 70 per cent of childcare costs or, if on Universal Credit, 85 per cent.

⁹⁰ Christine Farquharson, 'Early education and childcare spending', <https://ifs.org.uk/uploads/BN258-Early-education-and-childcare-spending.pdf>, p2.

⁹¹ Emma Agyemang, 'Income tax bill for UK taxpayers doubles since the millennium', <https://www.ft.com/content/e23c68cf-2b43-409e-a231-4d64195ba499>

degree of subsidisation encourages the establishment of single parent households, for without it the lone parent would seriously struggle to make ends meet. Instead of seeking suitable marital partners for their support, potential mothers, aware of this generous state support, will be far more likely to live alone dependent on the state. Some may argue this childcare encourages women into work, but given other features of the benefit system, this has been found by the Institute for Fiscal Studies to be true only to a very limited extent. In a study of 690,000 mothers, it was found increasing free childcare from 15 hours to 30 hours only moved 12,000 mothers into paid work, or approximately two per cent of the cohort.⁹²

Child Benefit

Child Benefit is currently paid at a rate of £21.80 per week for the eldest child and £14.45 a week for every additional child, and 'there's no limit to how many children you can claim for.'⁹³ Across the year this would entitle a household with two children to a total of £1,885. As before, this helps make single parent families more viable, and in addition to this, encourages, all other things being equal, family breakdown. This is so since the replacement rate for a divorced mother will be higher with Child Benefit than without it, especially given the mother will almost always take custody of the children upon divorce.

The structure of the benefit also encourages benefit fraud. For example, an unmarried mother who has two children within her household can claim £36.25 a week. However, if she and her boyfriend agree to say they are each looking after one of the children in separate households (and thereby avoid the rules), then £43.60 can be claimed. The mother can then look after both children in the same household, and via payments from her boyfriend, receive up to 20 per cent more in benefits (possibly splitting the difference to incentivise the boyfriend to make payments).⁹⁴

⁹² Christine Farquharson, 'Early education and childcare spending', <https://ifs.org.uk/uploads/BN258-Early-education-and-childcare-spending.pdf>, p16.

⁹³ HM Government, 'Claim Child Benefit', <https://www.gov.uk/child-benefit>

⁹⁴ Ibid.

Political Theory and *the Family*

Libertarianism⁹⁵

Each and every individual is an end in himself.⁹⁶ His existence, and flourishing, does not need justification via some higher purpose: 'It is its own goal. It is its own purpose.'⁹⁷ To protect the pursuit of this flourishing each person is endowed with individual rights.⁹⁸ This ensures each individual is not used by others (unless he consents). It does not matter if the existence of these rights makes others worse off – they must still be respected. The right to your body is perhaps the most widely acknowledged of these. If someone is dying from kidney failure, this still has no bearing on your right to your own body. It may be nice of you to give your second kidney away, but no one can force you to do so, even if that someone dies as a result.⁹⁹ Equally well, the fact thousands die every year of treatable health conditions they can't afford has no bearing on your right to your own property. For an individual to seize, and sell, your Mercedes to finance his hospital bills is theft, and hence is an unacceptable (property) rights violation. Your rights ensure you are perfectly entitled to not help others and let them die. As Peter Singer has observed, we in the developed world do this everyday by buying designer clothes or engaging in fine dining, instead of donating our money to the global poor.¹⁰⁰

By analogous reasoning, just as it is impermissible for an individual to take your property without your consent (even if it is for the greater good), so the state may not do the same. Yet this is exactly what the state does today: Taxation is theft. The vast majority of the public will object to this statement. To continue this discussion would therefore be pointless unless their objections are (partially) addressed. As such we now address the most popular argument for claiming taxation is not theft. Since the Enlightenment the idea we have all consented to government is understood as the ultimate basis of its authority: Hobbes, Locke and Rousseau are originators of this thought.¹⁰¹ Locke, the most convincing of these political philosophers, argued at some point in history our ancestors had 'so consented to make one community or government'.¹⁰² In this agreement he postulates each original signatory to the social contract placed covenants on their land such that:

'[W]hoever therefore from thenceforth by inheritance, purchases, permission, or otherwise, enjoys any part of the land so annexed to, and under the government of

⁹⁵ Libertarianism is a branch of rights-based liberalism and may be described as such.

⁹⁶ Immanuel Kant. 2002. *The Groundwork for the Metaphysics of Morals*, New Haven, Yale University Press.

⁹⁷ Ayn Rand, 1963. *For The New Intellectual*, New York, Signet, p67.

⁹⁸ Murray Rothbard. 2002. *The Ethics of Liberty*, New York, New York University Press, p25.

⁹⁹ Judith Jarvis Thomson, 1990. *The Realm of Rights*, Cambridge (US), Harvard University Press, p153.

¹⁰⁰ Peter Singer. 1993. *Practical Ethics*, Cambridge, Cambridge University Press, p218-246.

¹⁰¹ Thomas Hobbes, 2014 [1650]. *Leviathan*, Ware, Wordsworth; John Locke, 2002 [1689]. *The Second Treatise of Government and A Letter Concerning Toleration*, New York, Dover Publications; Jean-Jacques Rousseau, 1968 [1762]. *The Social Contract*, London, Penguin.

¹⁰² John Locke, 2002 [1689]. *The Second Treatise of Government and A Letter Concerning Toleration*, New York, Dover Publications, p44.

*that commonwealth, must take it with the condition it is under, that is of submitting to the government'*¹⁰³

Thus taxation, being agreed to by all those within a country, is consented to, and as such is not theft. The problem with this argument is there never was any social contract, and thus land does not have such covenants attached. Nor have we ever explicitly signed any documents as citizens giving our consent to government. Here the objection 'if you don't like it here leave' will inevitably be raised, with remaining taken as consent to government, and thus taxation. The issue with this line of thought is it presupposes the state owns all the land, and so the population has consented, as tenants, via remaining. However, the state does not own all the land in the nation, and therefore remaining on your own land (or on another's by their permission) does not give consent to government (as a tenant staying in a landlord's house does). Perhaps it will be pointed out the King ultimately 'owns' all land in the country via holding its superior interest. From this it will be argued we do consent to his government via remaining within the United Kingdom as his tenants. Without diving into how land is originally acquired, this would justify the divine right of King's, as espoused by Robert Filmer.¹⁰⁴ This would allow the King to do whatever he pleased to the population: An ideology firmly rejected during the Civil War. Given this, it is not unreasonable to suppose it is actually individuals who rightly own the land and not the monarchy. There seems to be no means by which consent could have been acquired for taxation.¹⁰⁵

Given this libertarian, or rights-based liberal, argument against taxation, it follows financing the welfare state out of seized funds is impermissible, and thus, so is the financing of single-parent benefits also. At this point we could end our discussion. Nonetheless, the radicalism of this rights-based liberalism may be considered unconvincing by many. Indeed, even among libertarian and classical liberal political philosophers, much of what has been written is disputed. The extent to which the state may justifiably infringe upon property rights is perhaps the central question on which the classical liberal and libertarian intellectual community is divided. Some, such as Herbert Spencer, would argue that taxation is only legitimate if it is ultimately voluntary, while others such as F. A. Hayek would deem taxation legitimate, provided it only funds certain (quite extensive) services.¹⁰⁶ Robert Nozick and Murray Rothbard, though, would wholeheartedly agree taxation is theft (or even forced labour).¹⁰⁷ Compared to today's welfare system, however, almost all would agree benefits should be reduced so as to minimise the use of persons (via taxing them). Nonetheless, we may consider a second principle below which outlaws single parent benefits on more socially acceptable grounds.

¹⁰³ Ibid, p56.

¹⁰⁴ Robert Filmer. 1680. *Patriarcha*, Amazon Printed.

¹⁰⁵ See Lysander Spooner. 2010. *The Constitution of No Authority*, Mansfield, Martino Publishing.

¹⁰⁶ Herbert Spencer. 1897, *Social Statics, Abridged and Revised with The Man versus The State*, Honolulu, The University of Hawai'i Press; Friedrich A. Hayek, 1960. *The Constitution of Liberty*, Abingdon-on-Thames, Routledge.

¹⁰⁷ Robert Nozick, 2013, *Anarchy, State and Utopia*, New York, Basic Books, p170.

The Principle of Liberal Neutrality

Libertarians and classical liberals can be considered to be committed to two principles concerning welfare policy. The first is to minimise the use of each individual, for example, through reducing taxation as much as possible (as outlined previously). The second is to ensure the state is neutral between different conceptions of the good life. This is not supported because of the subjectivist belief no lifestyle is inherently better than another.¹⁰⁸ Rather it is motivated by the reasoning no one should be advanced at the expense of another due to their equal moral worth. To a certain extent these two principles are entwined, nonetheless they do come apart. For example, *ex ante* defence spending is neutral in protecting everyone against foreign invasion, that is, it treats everyone equally. However, it is not minimising the use of everyone since it still requires taxation.¹⁰⁹

Simply on the second principle (which even many modern liberals accept), it follows benefits which disproportionately help some at the expense of others are unjustifiable. Single parents, should therefore not receive higher benefits than couples. Equally well, welfare should not favour households with children over households without them. As such, all child-related benefits, which systematically promote the good of parents, must be ruled out also. We re-emphasise that each individual is of equal moral worth, and as such should be treated equally. No one's choices should be favoured over another's. In practise this would involve the abolition of all benefits in their current form. Universal Credit systematically favours single parents and those with children, and Child Benefit is clearly discriminatory against those who are childless. Maternity pay, childcare and IVF treatment are equally unjustifiable, as they favour those who choose to have children.

Although we have already considered consent-based accounts for the authority of the state (and depending on the original contract) and thus for the benefits system, more can be said to those opposed to the rights-based liberal, that is, libertarian position. This is so because many modern liberals and egalitarians will argue single parents or the sick *are treated equally* insofar as they receive the fruits of their alleged right to welfare which everyone inherently has, but do not exercise due to their conditions. We do not challenge this understanding (though we do not admit its truth). Instead, we take this to be an objection to the first principle outlined, that is, individuals should be used as minimally as possible. In this endeavour we consider below the independentian critique of Karl Wilderquist, and the modern liberal contractualist critique of Jeremy Waldron (perhaps the most significant political philosopher writing today). After having shown the implausibility of these critiques we briefly outline what may justifiably replace the current welfare system.

¹⁰⁸ See Christopher Snowden, 2017. Killjoys, London, Institute of Economic Affairs.

¹⁰⁹ Hans-Hermann Hoppe, 2012. The Great Fiction, Laissez Faire Books, Baltimore, p173-199. This author would question (convincingly) even this first statement.

Objections to Libertarianism Considered

1. Widerquist's Independentian Critique

Widerquist argues if individuals (such as single mothers) are forced to work out of necessity, they are no longer free; and given individuals should be free, they should not be forced by necessity into work. From this he claims welfare is justifiable as it ensures free participation in the labour market, in contrast to '[f]orced servitude' in welfare's absence.¹¹⁰ For Widerquist, to be free in the labour market requires an 'acceptable exit option' to participation within it.¹¹¹ Essentially, property-less workers, or single mothers, aren't freely going into work if an employer makes the offer of 'work for us or starve'. Widerquist suggests such an offer is analogous to the sole-owner of an island refusing to let an individual come ashore unless he does X, with the alternative being drowning. In both cases it is to accept the offer of the property-owner or face death. To pre-empt the libertarian who suggests a monopsonist island-owner is unrealistic. Widerquist adjusts the analogy to postulate 10 landowners of the island who each offer X. Even here, though, the swimmer is still forced to accept doing X for *someone* or face drowning. Our intuitions appear to confirm Widerquist's contention that all of these cases involve force, and as such taking up the offer isn't a free choice. Widerquist understands force to involve the threat of presenting someone with an offer where the alternative isn't having an acceptable alternative, where an unacceptable alternative is understood to be '*thoroughly bad in an absolute sense*', for example, drowning or starving to death.¹¹² Widerquist draws on left-libertarians (such as Hillel Stenier, Michael Otsuka and Henry George) to root his belief of the injustice of landowners and capitalist owning natural resources without paying compensation, that is, welfare, to the property-less.

Widerquist then argues welfare provides an acceptable exit option to labour market participation. This exit option is understood to contain a bundle of goods and services such as housing provision, food and heating.¹¹³ If everyone has access to this option, which isn't '*thoroughly bad in an absolute sense*', then they never need be forced into the labour market. Thus, Widerquist concludes welfare ensures free participation in the labour market, and given an assumption that free participation is necessary, welfare is necessary too. Widerquist argues specifically for a universal basic income, which could be said to satisfy the principle of neutrality outlined. It is thus primarily set against the libertarian principle of minimising the use of the person via taxation, for Widerquist takes freedom for the property-less to be more important than minimal or no taxation.

Against this position it can be argued the taxation necessary to finance this welfare is a form of slavery and therefore unacceptable. According to Spencer, slavery 'admits of sundry

¹¹⁰ Karl Widerquist. 2010. 'The Physical Basis of Voluntary Trade', *Human Rights Review*, Vol. 11, No. 1, pp. 83-103, p100.

¹¹¹ Ibid.

¹¹² Ibid, p86.

¹¹³ Ibid. p95.

gradations'.¹¹⁴ Minimalist slavery is regularly appropriating part of the product of another person's labour coercively while maintaining the realisable threat to take total control over the person's activities.¹¹⁵ Maximal slavery constitutes total seizure of the product of a person's labour and total actualised control over their activities.¹¹⁶ Taxation fulfils the essence of slavery, that is, the minimalist definition. The threat of force is used to extract part of the individual's income and refusal to pay up results in a jail sentence, that is, total control over the person's activities. As Nozick argues, to presuppose the legitimacy of taxation (that is, minimal slavery) is to believe the state has (partial) ownership of the individual.¹¹⁷ This claim is clearest in the jail threat. To believe jail is warranted for non-payment of taxation presupposes the state has the (conditional) right to jail individuals. And the right to jail an innocent individual is to claim the right to almost totally own someone. Both the forceful extraction of income and the (partial) state ownership of the individual, which together constitute minimal slavery, are unjustifiable. As such welfare is unjustifiable as it can only be financed by taxation, that is, minimal slavery. Now it may be argued slavery must involve forcing someone to work. This is doubtful. If a slave owner sold the rights to 20 per cent of his slave's income, and the right to jail such an individual if they failed to hand over that 20 per cent, and gave all other rights back to the slave, the individual would still be a slave. Indeed, even if the person who bought this right transferred it to all the remaining slaves, all of whom were in the same position, who could then vote to spend the revenue from the 20 per cent on themselves, each would remain a slave.¹¹⁸ Clearly this slavery is much, much better than the chattel slavery of the American South, but slavery it is nonetheless.

Furthermore, the taxation to finance welfare undermines freedom even on Widerquist's own grounds. Widerquist defines the relevant status freedom as 'the effective power to accept or refuse interaction with other willing people' where the ability to refuse still involves 'an acceptable exit option'.¹¹⁹ An individual is clearly not free to refuse interaction with a tax collector; if he refuses to hand over part of his income he is jailed. As such, participation in the tax system is forced, that is, individuals aren't free. Given Widerquist concedes individuals are free insofar as '[a]s they respect each others space', by which he typically means property, it isn't plausible for him to say the tax system doesn't infringe upon freedom.¹²⁰ Thus we may conclude welfare will ensure free participation in the labour market for some, but at the cost of unfree participation for others (on Widerquist's grounds). Given though this cost is minimal slavery, and the benefit is only allowing some to

¹¹⁴ Herbert Spencer. 1960 [1892]. *The Man Versus The State*, Caldwell, The Caxton Printers.

¹¹⁵ Charles Amos. 2021. 'If implemented across the UK would the Welsh pilot Universal Basic Income (UBI) of £11,106.68 per adult be justifiable on economic and ethical grounds?' [Unpublished manuscript], Department of Political Economy, King's College London.

¹¹⁶ Ibid.

¹¹⁷ Robert Nozick, 2013, *Anarchy, State and Utopia*, New York, Basic Books, p172.

¹¹⁸ Robert Nozick, 2013, *Anarchy, State and Utopia*, New York, Basic Books, p291-292.

¹¹⁹ Karl Widerquist. 2010. 'The Physical Basis of Voluntary Trade', *Human Rights Review*, Vol. 11, No. 1, pp. 83-103, p84, p91.

¹²⁰ Karl Widerquist. 2006. 'Freedom as the Power to say No', PhD thesis, Oxford University, Oxford, p4.

live at others' expense, the objectionable nature of slavery should undermine any case for welfare on freedom grounds.

2. Waldron's Modern Liberal Contractualist Critique

Let us now investigate the arguments of Jeremy Waldron for extensive welfare rights, which, unlike Widerquist's universal basic income proposal, would probably admit of increased benefits for single parent households. Without going into his Rawlsian-inspired hypothetical contract justification, Waldron argues we all have welfare rights to ensure we do not undergo severe suffering or death.¹²¹ This right is held by each of us, according to Waldron, simply because of the interest we all have in not suffering or dying. This is in contrast to Widerquist's contention we hold a similar right in order to be free. I contend Waldron's argument admits of full-blown slavery in certain (admittedly rare) instances, and as such should be rejected outright because of this.

This contention can be demonstrated by a thought experiment. Imagine an exotic island of 1,000 people who live a life of leisure, with each working just two hours Monday to Friday to fulfil their very basic needs. The rest of the time they are happy to surf the waves, play cards and sunbathe. It is an idyllic situation. One day though, 50 of the islanders are diagnosed with a serious cancer due to some toxic berries they alone have consumed. The disease is totally debilitating, rendering the 50 incapable of work or leisure, they are bed-ridden. Without the treatment all 50 will die, losing an average of 40 years each. The island's doctor agrees the only cure for the cancer is a programme of very expensive drugs and surgery which must be administered over three years. Due to the inhabitants' leisurely lifestyle though, the income of the islanders simply isn't large enough to cover the drugs and surgery. Even if each islander just lived on bare subsistence (which they are not too far above normally) there would be no chance of financing such medical needs. Nonetheless, if each of the islanders worked just an hour extra each workday, for example, in waitering, fishing or farming, for three years, the 50 could be saved. The problem for the 50 is none of the 950 wish to increase their workday by 50 per cent. They do not care much for their fellow islanders, and really enjoy their leisure time.

Clearly Waldron's belief we all have a right to welfare so as to ensure no one seriously suffers or dies must make the 950 slaves to the 50 for an hour each workday for three years, that is, for a total of over three months at eight hours each and every day. This contention is made because Waldron argues where interests conflict 'we establish the relative importance of the interests at stake... and we try to maximise our promotion of what we take to be important.'¹²² The 40 years of life (and thus liberty and leisure and so forth) each of the 50 will get, is clearly more important than an hour of liberty (and thus leisure) which would be lost each workday by the 950 if they were forced to finance the treatment. Thus, maximising the promotion of what is important here is preserving the 50, which must, by

¹²¹ Jeremy Waldron. 1993. *Liberal Rights*, Cambridge, Cambridge University Press, p10-23.

¹²² Jeremy Waldron. 1993. *Liberal Rights*, Cambridge, Cambridge University Press, p224.

assumption, involve making the 950 work an extra hour each workday for three years. The 50 having a (welfare) right to force everyone to work and to extract the fruits of such labour clearly makes the 950 slaves – they are partly-owned by the cancer patients. For if a man is rightly made, at gun point or under threat of prison, to plough a field, he is legitimately controlled by another, that is, owned by another.¹²³

Addressing the aforementioned type of thought experiment, Waldron writes: ‘forced labour in the service of the destitute, where there is no other way to provide for their needs, might not be a bad thing.’¹²⁴ I take this to mean he would allow for the 50 to force the 950 to work. Now given just two years later he wrote ‘slavery is wrong; no doubt’, I believe Waldron must think there is a difference between the two.¹²⁵ I do not see how this distinction can be sustained, though: If an individual forces another to work for him and give up all the proceeds, that is slavery.

As mentioned, the preceding thought experiment is unlikely to materialise in the reality we live in. Nonetheless, the fact such slavery is imaginable under Waldron’s justification for welfare (rights) makes full self-ownership unacceptably contingent on circumstances. Given most of our readers will accept we own ourselves absolutely, it follows Waldron’s argument must be rejected for allowing it. Importantly, the interest theory of rights which underpins Waldron’s argument does not allow for the ad hoc response: We will not allow for slavery, but taxation where possible is still permissible. For it will be argued the lesser interest in property each has allows it to be redistributed so as to ensure the more important interests of the sick or poor who are suffering. But this reasoning applies just as much to leisure, if it is of the same value to the individual as his property, why can’t it be ‘redistributed’ to the poor and sick also? Waldron certainly presents no answer.

Indeed, the idea each individual should have their most important interests protected by the state leads back to the compulsory organ seizures we rejected at the start of this philosophical discussion. As we have established, Waldron argues when interests conflict the more important one should be granted the effective right. Hence, according to Waldron the rich industrialist doesn’t have a right to his income to purchase a Rolls Royce when a poor patient will die without tax-provided surgery. And by the same reasoning, an individual with two healthy kidneys doesn’t have a right to both, for an ill patient may need one of those kidneys, without which he will die. This is because the ill patient’s interest in living is far greater than the healthy individual’s interest in having two kidneys, for a person can survive just as well with one. As such, Waldron must argue the ill patient has a welfare right to a healthy kidney from someone (perhaps selected via lottery). The healthy individual’s objection ‘But this is *my* kidney!’ is as irrelevant as the industrialist’s plea ‘But this is *my* money!’, for Waldron, as according to him, ‘property must answer at the tribunal of need,

¹²³ The libertarian, not admitting a person can rightly own someone else (leaving aside prisoners who forfeit their rights), would argue slavery is simply the wrongful possession of someone else.

¹²⁴ Ibid. p230.

¹²⁵ Jeremy Waldron, 1988. *The Right to Private Property*, New York, Oxford University Press, p33.

not the other way round.¹²⁶ Clearly this conclusion is unacceptable and thus so is the theory on which Waldron attempts to justify welfare rights.

Solutions

The preceding thought experiments have bolstered the intuitive plausibility of libertarianism by a critique of objections to it. For all the reasons outlined, welfare, financed by taxation, must therefore be abolished.

However, this does not mean bare minimum welfare provision must be rejected in its entirety. A means to ensure subsistence is almost always provided would be to ensure benefits are entirely contributory, meaning an individual could only receive in benefits what they had paid in via tax, or could borrow from the government on commercial terms, to then pay back the debt later. Given most individuals are not in poverty for very long periods, taxation in productive parts of one's life should more than pay for any debt run up while in poverty. However, if indentured servitude were fully-permitted by the legal system, then there are few reasons even this function could not be run by the private sector.¹²⁷ Contra wise, it is doubtful companies would have the same enforcement power as the state, thus making the former public option more attractive (at least within our existing institutional frameworks). Nonetheless, the contributory scheme may still clash with our libertarian principles if certain individuals run up debt while in poverty but never pay it back, meaning the cost must be borne by others, which is to use one individual for the good of another. We are again pointed back to fully private solutions.

The Conservative Natural Order

At this point in the conclusion the reader may ask why we have outlined the negative effects of state intervention via welfare policies in most of the report if we ultimately consider them to be irrelevant to drawing public policy conclusions. In essence, we have done so to show that by respecting the right (that is, not taking property from individuals), the good (for example, fewer teenage pregnancies and better educational attainment) is most effectively procured.

Moreover, the evidence presented suggests the natural order is a conservative one, confirming the intuitions of many of those on the Right. Or rather, at the very least, it is a more conservative one than currently exists today. By natural order we mean a society absent of coercion, including coercion from the state, which includes the tax system. To reiterate what has been implicit, absent the burdensome taxation necessary to finance the welfare state, and absent therefore the welfare state which such taxation funds, individuals pursue their conception of the good life independent of the choices of politicians and bureaucrats. In doing this they typically adopt the traditional family as the most effective

¹²⁶ Jeremy Waldron. 1993. *Liberal Rights*, Cambridge, Cambridge University Press, p20.

¹²⁷ Lawrence H. White, 1977. 'Bankruptcy as an Economic Intervention', *Journal of Libertarian Studies*, Vol. 1, No. 1, pp. 281-288.

vehicle towards the ends they aim for. It does not matter (largely) whether we adopt an objective or a subjective view of the good (life), for both views converge on the vast majority of important objects or activities.¹²⁸ A good education for children may be good in itself or good because the parents want it for their child. Irrespective of which it is, the evidence suggests the traditional family is the best route to take in order to acquire the core elements of the good life.

As the great 19th Century sociologist Herbert Spencer observed, if an individual's actions are directly connected to their consequences, any negative consequences will result in the adaptation of actions to the optimum condition. Any interference in the connection between actions and consequences stops this adaptation, and therefore the attainment of the optimum. From this observation, Spencer concluded ethics must largely prohibit actions which interfere in this connection so as to allow individuals to attain their optimal condition.¹²⁹ Spencerian ethics would therefore suggest the traditional family best serves the interests of both parents and children, and indeed the species at large.¹³⁰ The breaking of the link between actions and consequences, facilitated via generous benefit payments to single mothers, has been demonstrated throughout this report to have produced suboptimum conditions for lone parent households. This is a clear (though not conclusive) verification of Spencer's ethics. Reproductive and family formation decisions are evidently still subject to moral hazard.

When the state uses each individual as minimally as possible, thereby being neutral between the good of each, it allows individuals to bear the full (or most of the) consequences of their actions, therefore leading to adaptation to the optimum. The rights-based libertarianism previously outlined therefore harmonises with the consequentialist liberalism of Spencer, that is, the state treating individuals as ends in themselves will typically also procure the best results, which typically produces profoundly conservative results, namely, a society dominated by traditional families. Nonetheless, it should be emphasised that we view this consequentialist support, yielding conservative conclusions (via Spencer's observed process of adaptation) for the abolition of today's family-related benefits to be very much tangential to our principal objection to them. That is, our libertarian argument by itself is still capable of justifying the withdrawal of single parent benefits.

In matters of personal morality, libertarianism is not necessarily incompatible with a strong conservative commitment to the family. Indeed, given the goals individuals currently have, such as better education for their children and more robust health for themselves,

¹²⁸ Classical liberals can take either an objective or subjective view of the good life, while conservatives typically take only an objective view.

¹²⁹ Herbert Spencer. 1978. *The Principles of Ethics*, Indianapolis, Liberty Fund, p81-95.

¹³⁰ *Ibid.* 563-584.

libertarianism allows for the realisation of the conservative ideal in marriage and the traditional family.

Nonetheless, libertarians and classical liberals do object to active measures to promote the conservative conception of the good life. We oppose the general conservative idea promoted by the late Sir Roger Scruton that taxation could be used 'as an instrument of social control.'¹³¹ And if conservatives decided to introduce benefits specifically for married couples, libertarian opposition would be equally fervent. Such a policy would be using one group to promote the good of another (for example, single individuals or those who choose not to marry). As we have outlined earlier, this would also violate one of the core tenets of liberalism, namely, the state should treat everyone equally. The conservative above would be implicitly resting his argument on the contrary, on unequal treatment being justified because one group of individuals is more important than another, or some meta-end justifying the action. While favouring one group or individual is entirely acceptable in the private sphere, state action must necessarily be ruled out due to the means through which it is conducted, that is, using the individual.

¹³¹ See, for example, Roger Scruton. 2001. *The Meaning of Conservatism*, Basingstoke, Palgrave Macmillan, p102.

A Response: The Importance of Family

Jake Scott

In this brief comment piece, I outline the importance of family to society, and why the state has an interest in supporting the existence of a defined family unit. I approach this question from a conservative perspective, but the significance of family is not a concern for conservatives only: indeed, as Mr. Amos' paper lays clear, the liberal ought to be as concerned with family as the conservative. Likewise, the socialist recognises the family as a significant social unit, and cannot be side-lined in such a discussion. What demarcates the different 'grand ideologies' in their approach to family is, at heart, a question of both ontologies and causalities. For instance, in the conclusion of Charles Amos' paper, it is claimed that 'by natural order we mean a society absent of coercion, including coercion from the state, which includes the tax system'. It is spurious that a 'natural order' is one 'absent of coercion', especially when the institution at hand – the family – is highly coercive, for the good of those involved.

To understand this tension more clearly, this paper is structured thus: first, I begin with a metaphysical distinction between myself and the author of the paper, to assert that the central assumption – of 'rights-based liberalism' – is misleading in a discussion on families. Second, having cleared this ground, I explain the normative significance of families on society, supported by evidence that show the importance of family-supported life for individuals. The third and final section will, thereafter, reiterate the importance of state support for families, and offer some tentative proposals as to how.

The Metaphysics Underneath

Metaphysical concerns are not tangential to this discussion, but central. For instance, the conclusion of the paper, *Political Theory and the Family*, offers a series of uncritically accepted assertions that are, by and large, false.

Beginning with the opening statement,

'Each and every individual is an end in himself. His existence, and flourishing, does not need justification via some higher purpose: 'It is its own goal. It is its own purpose.' To protect the pursuit of this flourishing each person is endowed with individual rights. This ensures each individual is not used by others (unless he consents).'

As the footnote acknowledges, this is dependent on a specific metaphysics put forward by Immanuel Kant in *The Metaphysics of Morals*. Yet the adoption of Kantian metaphysics (and I will respect the authors' wish to avoid using 'Kant') as the metaphysical authority is an incomplete one. It is correct that the Kantian categorical imperative (to which the first sentence refers) is one in which one should 'act only in accordance with that maxim through which you can at the same time will that it become a universal law'. Yet this does not, as the

common misreading entails, enshrine pure inviolability to individuals, especially where families are concerned.

In *The Metaphysics of Morals*, the ‘rights-based liberal’ may find support for their position, where Kant writes that:

‘[T]he offspring is a *person*... it is a quite correct and even necessary idea to regard the act of procreation as one by which we have brought a person into the world without his consent and on our own initiative, for which deed the parents incur an obligation to make the child content with his condition so far as they can’.¹³²

This may suggest the ‘inviolability of individualism’ at the moment of birth, but a closer reading makes it clear that, insofar as the parents have no *physical right* over that child’s existence, that child now lays a clear and compelling claim to the parents. It might reasonably be asserted that the parents consented to this situation – which is true – but, as Kant shows, the child *did not consent*, and so, as the contractarian view of this relationship requires all parties to consent for it to be binding,¹³³ we cannot sufficiently understand this relationship through the other central principle at claim in the paper, ‘consent’.

What makes this issue more pressing is that the succeeding section within *The Metaphysics* states that ‘from this duty there must necessarily also arise the right of parents to *manage* and develop the child, as long as he has not yet mastered the use of his members or of his understanding’.¹³⁴ In other words, parents are compelled by duty to raise a child, and that child is compelled by necessity to submit to the parents – a relationship a liberal might reasonably recognise as ‘coercive’.

Why does this matter, especially when the issue at stake is the *state’s* relationship to the family? There are two reasons: the first comes from Kant himself, and the second from the great conservative writer, Sir Roger Scruton, whose own position merits examination below. Focusing on Kant, in *The Metaphysics*, ‘Part II: Public Right’, he asserts that:

‘[T]o the supreme commander there belongs *indirectly*, that is, insofar as he has taken over the duty of the people, the right to impose taxes on the people for his own preservation, such as taxes to support organisations providing for the *poor*, *foundling homes*, and *church organisations*’.¹³⁵

Now, Charles Amos’ paper does explicitly reject Kant’s own provision for the poor in *The Metaphysics*, but it cannot be ignored that Kant’s own definition of a right, uncritically accepted by those Kantian philosophers the author adopts (such as Nozick), includes also

¹³² Immanuel Kant, *The Metaphysics of Morals*, p281.

¹³³ *Ibid*, p271-276.

¹³⁴ *Ibid*, p281-282.

¹³⁵ *Ibid*, p326

the justification of coercion: as he says in *The Metaphysics*, ‘right and the authorization to use coercion mean one and the same thing’.¹³⁶

As the liberal philosopher Anna Stilz writes regarding Kant’s conception of freedom-as-independence, ‘to be free-as-independent... is not to be forced to obey the will of another person; it is to enjoy a sphere of independent self-government within which others cannot interfere’, and importantly, ‘this notion of freedom is thus particularly concerned with the relationships between *persons*’.¹³⁷

This matters for the family because, as I show in the next section, it is the *primary organ* of society, not merely an accidental part. But here it is more important that we address the metaphysical foundations of personhood that Kant began but was refined more robustly by Georg Hegel.

We can begin this point by recognising that Kant is not, as so many Kantians wish to presume, a pure individualist, but rather is one of the most important organicist thinkers. As Frederick Beiser shows us, in Kant’s schema ‘an organism is an indivisible unity, a *totum* where the whole precedes its parts’.¹³⁸ While Kant’s schema runs into serious problems in the distinction between the noumenal and the phenomenal, Hegel picks up the organicism of modern statehood to argue that ‘the whole exists for each of the parts *as much as* the parts exist for the whole... in other words, the individual is as much a means as an end for the state’.¹³⁹

‘Since the whole exists for the parts, the liberal is right that the state should promote the rights and interests of everyone as an individual; but since the parts also exist for the whole, the communitarian is correct that the individual should devote himself to affairs of state since doing so is ultimately in his self-interest.’

Such an attitude resumes its significance for the individual and the family when Hegel in the *Philosophy of Right* turns to civil society, which is centred around two principles: the pursuit of self-interest *and* the satisfaction of others’ self-interest. This is because, as he nicely summarises,

‘[I]n the course of the actual attainment of selfish ends – an attainment conditioned in this way by universality – there is formed a system of complete interdependence, wearing the livelihood, welfare, and rightful existence [*rechtliches Dasein*] of one individual are interwoven with the livelihood, welfare, and rights of all’.¹⁴⁰

To make it clearer: for Hegel, the central condition of Kant’s enquiry, of *personhood* – and all the concurrent rights – is innate only in the sense that it is an innate *possibility*; no person is

¹³⁶ Ibid, p233.

¹³⁷ See Anna Stilz’s *Liberal Loyalty: Freedom, Obligation and the State*, 2009: p. 37.

¹³⁸ See Frederick Beiser’s *Hegel*, 2005: p. 97.

¹³⁹ Beiser, *Hegel*: pp. 239-244.

¹⁴⁰ Ibid, p182-183.

born, only an individual, and they become a person through the dialectical relationship of the coming-in-and-going-out of the Notion. As Sir Roger summarises,

[T]he great truth Hegel dramatises in all his philosophy can be glimpsed in that idea: the self is an artefact, dependant upon the process whereby it becomes an object of its own awareness (the process of *Selbtsbestimmung*). The self is created in society, through our dialectical resolution of conflict, and our emergence into custom, morality, and civil association’.

And it is in this socialisation that we arrive at the family’s importance for Hegel:

‘Hegel’s discussion of the family (extended further in the *Philosophy of Right*), provides one of the cornerstones of his philosophy. He defends, not the particular structure of the “bourgeois family”, but relations of “natural piety” (to use Wordsworth’s phrase) in general. “Piety” denotes the *unchosen obligation upon which social reality is founded*’.¹⁴¹

To summarise this section: metaphysics is essential to our discussion on the family because we need to understand exactly what we mean when we talk of individuals, persons, humans and so on, to whose flourishing, as Kant recognised, the family is dedicated.

The next section will examine Sir Roger’s own philosophy and the significance of family for conservatives more clearly, but his commentary on Hegel provides us with a suitable bridge to move from metaphysics to a proper conservatism. As Sir Roger wrote,

‘Hegel was the first systematic thinker to attack the intellectual roots of liberalism. The liberal, he noticed, represents as “chosen” every institution on which men have conferred legitimacy. However, men’s sense of legitimacy stems precisely from their respect for themselves as beings formed, nurtured and amplified by institutions’.

And it is the *tension* (or in Hegel’s terminology, the dialectical relation) between the ‘unchosen’ bonds of family, and the ‘choosable’ bonds of civil society, that ‘finds its resolution and realisation in “the State”, as the *highest of human institutions*’; yet such a tension can never erode the primary point from which we enter into the civil world, of immediate family relations, and the piety that entails (‘piety is the ability to recognise and act upon obligations which were never contracted. Such obligations surround the individual at birth, forming his self-consciousness and *invading his freedom*, even before he has fully possessed himself of either’).¹⁴²

Hegel’s own words are worth closing here:

¹⁴¹ See Roger Scruton’s essay ‘Understanding Hegel’ in the collection of essays, *The Philosopher on Dover Beach*, 1990, pp. 31-40: p. 38.

¹⁴² See Roger Scruton’s essay ‘Hegel as a conservative thinker’ in the collection of essays, *The Philosopher on Dover Beach*, 1990, pp. 41-55: pp. 43, 48-49, emphasis added.

'[I]n the ethical sphere we again start from an immediate, from the natural undeveloped shape possessed by the ethical mind in the *family*; then we come to the *splitting up* of the ethical substance in *civil society*; and finally in the State, attain the unity and truth of these two one-sided forms of the ethical spirit'.¹⁴³

The Conservative and the Family

Having laid clear the metaphysical presumptions that undergird the significance of the family to the state (and, importantly, vice-versa), we can turn to the examination of the conservative valorisation of the family, and why it is practically important.

This section focuses most clearly on Sir Roger's own work on the family, who begins with the recognition that the conservative will find in the family a microcosm of civil society, by sharing 'with civil society that singular quality of being non-contractual' and 'arising not out of choice but out of natural necessity'.¹⁴⁴ Now, it may be objected that Hegel's emphasis is on the 'choosability' of civil society versus the unchosen nature of family life; such an objection arises out of a misunderstanding of what we mean by 'choice' here, for it is not the same as the contract of the liberal, of an unconstrained, free-floating ability to determine the self's own focus of attachment. Instead, the 'choosability' of civil society squares with its 'non-contractual' reality by recognising that we *cannot choose to enter civil society*, only that we can choose *how* we do so, and what we do *once we're there*. We are coerced, by necessity, to enter civil society – but because of our upbringing, how we do so is a matter over which we have some control.

Through this fact, by analysing family structures the conservative will understand the individual's relationship with society, in the same way law and order defines the individual's relationship with the state. Sir Roger argues the family is where the individual learns the value of authority and allegiance, as 'from the start the child must be acted upon by his parents' power,' and that 'a child is what it is by virtue of its parents' will,' who have an 'obligation to form and influence a child's development'.¹⁴⁵

It is because of this obligation that a parent will keep a child safe, restricting his behaviours in much the same way J. S. Mill's harm principle allows the interference on an individual's behaviour if he doesn't know his actions will harm himself. From the child's perspective, through this limitation he learns that he is helpless in his infancy, which pulls him out of self-immersion and teaches him to understand legitimate authority exists to keep him safe. This knowledge is transferred to civil society; by learning through the family that limits to freedom exist to protect, not constrain, it teaches the individual that the limits of social behaviour are an authority to obey. We have to recognise here that family does not exist to 'socialise' the child in the way socialists or Marxists might accuse it of doing so, of forcing an

¹⁴³ Hegel, *Encyclopaedia of the Philosophical Sciences in Outline*, see Zusatz, p408.

¹⁴⁴ See Roger Scruton's *The Meaning of Conservatism*, 3rd Edition, 2002: p. 22.

¹⁴⁵ See above.

‘uncritical acceptance of systems of power’, but rather that the responsibility of parenthood is not only to educate your child the facts of life, but to teach them *how to be taught*. A child who cannot be taught has been failed by their parents. ‘Marriage has a function, which is to ensure social reproduction, the socialising of children and the passing on of social capital’.¹⁴⁶

It is important to recognise that, just as with Hegel, the conservative does not explicitly defend a *specific form of the family*: as Kieran O’Hara notes, society does change, and non-standard forms of family – adoptive parents, homosexual couples, three-person parental units and so forth – emerge over time, and to try and prevent or reverse this would be a capitulation to the social engineering impulse, which conservatives resist. In the stubborn protection of a mode of family, a moral hazard can provide opportunities for forms of abuse that ‘flourish behind the curtain’.¹⁴⁷ The family cannot be immune from criticism, otherwise organic change is resisted, and conservatism takes on that reactionary nature that engenders it to radicalism.

But it is here that we recognise that the state has an interest in preserving the institution of the family. Properly instituted, and properly supported, the family is the primary method of learning for children, both in the knowledge they learn and the technique of learning they develop; education from the state can only work on the basis of this reality, just as learning a trade or ‘learning’ social cues. The practical benefits of a robust family life are explored in the following section, but it is worth noting here that conservatives have feared for decades the alternative to a collapsing family life: the requirement that the state be called *into action more*. Indeed, the paper understands this implicitly, but mistakes the cause for the effect. It is the philosophy of individualism that undergirds liberalism, which corrodes social ties in such a way that reciprocity is seen as burdensome, and to enforce social unity, the state must act.¹⁴⁸

Focusing instead here on the moral question of the family’s significance, if the other liberal commitment that the paper holds, of a withdrawal of the state from the Good Life – something that is impossible, in any case¹⁴⁹ – it is into this space that the family must step:

‘As religion retreats from the public domain, moral education becomes increasingly a concern for the family, which is the seat and source of our primary attachments. The family has been regarded by everyone from St. Just to Lenin as the enemy of revolutionary projects... New forms of family association may arise, old forms may decline, but still the basic truth remains that the family is a place in which the ends of life are constructed and enjoyed. It provides our primary image of home, the place

¹⁴⁶ See Roger Scruton’s essay, ‘Meaningful Marriage’ in the collection of essays, *Political Philosophy: Arguments for Conservatism*, 2006, pp. 81-102: p. 95.

¹⁴⁷ See Kieran O’Hara’s *Conservatism*, 2011: pp. 172-173.

¹⁴⁸ For a full discussion of this, see Patrick Deneen’s *Why Liberalism Failed*, 2018.

¹⁴⁹ See George Will’s *Statecraft as Soulcraft*, 1983.

that... we may one day rediscover, the treasury of feeling that we open to children of our own.’¹⁵⁰

The normative significance of the family as the source of socialisation, attachment and – importantly – the moral bulwark *against* state intrusion, cannot be ignored. The paradox to avoid here is to ensure that the state acts only to support the family as an institution to prevent the need to act elsewhere; a reality that is fast becoming evident.

It was in 2005 that the Centre for Policy Studies released a paper, authored by Shaun Bailey, that predicted what is now accepted fact: that fatherlessness increases violence.¹⁵¹ As Bailey wrote in Chapter 3:

‘People with our lives, in our circles, understand that you are better off if you are a single parent. It has reached the point where you get a lot of people who are not single parents but who present themselves in that manner because it makes financial sense. If anybody thinks that people like us don’t sit around and have these discussions they are deluding themselves. We soon figure out which way it will make us the most money. And that’s an example of how we are trapped by government policy. Because it discourages us from raising our children in nuclear families. The nuclear family should be the norm. It might not be any more, but it is an ideal to aim for. But if you have to be estranged from your father in order to survive financially there’s a problem.’

This dovetails clearly with the huge amount of data laid out by Charles Amos’ paper, which proves quite authoritatively that there is a positive correlation between welfarism and family collapse, so I shall not stress the point too far here. But the results of such family collapse are often neglected: for instance, a study produced at the beginning of 2022 showed that divorce has a greater negative impact on children’s mental health than bereavement.¹⁵² When data like this is combined with the reports such as Bailey’s, it is hardly surprising that decades of easy divorce have been met with decades of rising lawlessness.

Supporting Family Life

In the conclusion to the paper, the recommendation is put forth that all family-related benefits be abolished. Nothing could be more damaging to the already fragile family life of the British public.

As the central presumption of the Civitas paper has been, essentially, radical individualism of the Nozickian type (based on a misreading of Kant), this is hardly surprising, yet the claim

¹⁵⁰ See Roger Scruton’s *How to be a conservative*, 2014: p. 142.

¹⁵¹ See Shaun Bailey, *No Man’s Land: How Britain’s Inner City Young Are Being Failed*, 2005: <https://cps.org.uk/wp-content/uploads/2021/07/111028105425-NoMansLand.pdf>

¹⁵² CARE, ‘Divorce worse for children than bereavement, study shows’, <https://care.org.uk/news/2022/04/divorce-worse-for-children-than-bereavement-study-shows>

that ‘welfare should not favour households with children over households without them’ in a paper regarding *family* policy is, metaphysically, incoherent. As I show above, what we call ‘family’ is the union of two people for the purpose of raising children, so to try and judge the requirements of ‘households without children’ against the requirements of ‘households with children’ is to compare two fundamentally different things. Such an argument is analogous to claiming that ovarian cancer screening ought to be available to men, and because it is not, that is discriminatory.

Instead, the state needs to recognise that it is, itself, a fragile institution built upon other fragile institutions, the foremost of which is the family, and as family life collapses, so too will the foundations of the state. For this reason, the state must support the existence of family life, both for the practical benefits it brings – the avoidance of social disorder – as well as the longevity of the society over which it governs.

The complete abolition of welfare is an easy suggestion to make, so the proposals here may seem incomplete by comparison, but the work of construction difficult, destruction easy, so please take the recommendations below as only potential movements towards more a supportive state.

1. **Taxing married couples as a single person.** At present, couples can transfer their Tax-Free Allowances to one another, meaning that if one person works, the other does not have to. Such an action, whilst admirable, puts families in awkward positions: it would be better to treat a married couple, for tax purposes, as a single person, and tax their *household income* as a combined figure, rather than as two individuals.
2. **Mortgage relief in the first 10 years of a child’s life.** Mortgages are already burdensome and make the choice between property ownership and children an unfair one that many parents must face. Instead, the state could offer a form of mortgage relief to parents for the first 10 years of *any* child’s life, which could renew on the birth of every child.
3. **Tax relief for large families.** The Hungarian state has successfully stalled the declining birth rate in its people, by offering tax reliefs for large families, especially those with four or more children.

As I say, these are tendential suggestions, but it is important to remember that the current welfare system is not directed at *families*, but *mothers*, meaning that very often fathers are not needed to collect welfare, in turn fuelling a rise in fatherlessness. By shifting the focus back to two-parent households, the state can break the trend on rising divorce rates, and support families properly.

Addendum – The Problem of Property

This is a minor point in the context of the paper, but it is worth pointing out: the assertion made in the conclusion that ‘the state does not own all the land in the nation, and thus remaining on your own land... does not give consent to government’ is inconsistent with Kant’s own metaphysics, upon which Robert Nozick and all subsequent ‘minarchist’ thinkers rest.

Kant writes in the *Metaphysics* a section worth quoting at length:

‘Can the sovereign be regarded as the supreme proprietor (of the land), or must he be regarded only as the one who has supreme command over the people by law? Since the land is the ultimate condition that alone makes it possible to have external things as one’s own, and the first right that can be acquired is possession and use of such things, all such rights must be derived from the sovereign as *lord of the land*, or better, as the supreme proprietor of it (*dominus territorii*)... this supreme proprietorship is, however, only an idea of the civil union that serves to represent in accordance with concepts of right the necessary union of the private property of everyone within the people under a general public possessor, so that determination of the particular property of each is in accordance with the necessary formal principle of *division*.’¹⁵³

This seemingly dense section is disentangled well by Stiliz: Kant recognises that attaining freedom-as-independence requires ‘people possess rights of property in external things’ as it is ‘the only way one person can be free from subjection to another person’s will’, with which rights-based liberals are likely to agree. Yet he also ‘claims that property is only possible through the state’ because, as we know, a right is also the authorisation to use coercion (see above), yet the only way to prevent the exercise of our own rights descending into a continuous and unconstrained coercion against one another is by ‘defining and enforcing both our rights over our bodies and our rights to external objects through public and non-arbitrary laws’ that ‘secure ourselves against the coercive interference of other private persons in our affairs’.¹⁵⁴

Kant is not, therefore, asserting that the sovereign *owns* the land, but rather a certain degree of coercion and statehood is necessary to institute property rights at all. In other words, property cannot precede the state in Kant’s own *Metaphysics*, and so resting any rights-based liberalism on Kant as a way to claim the state is a source of unjustifiable taxation, as Nozick does, is self-defeating.

¹⁵³ Kant, *The Metaphysics of Morals*.

¹⁵⁴ See Stiliz, *Liberal Loyalty*, pp. 38-47.

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