

## Articles

### Scrutiny and surveillance: a conversation

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with Fatima Ahdash, Simon Flacks, Dafni Lima, Julie McCandless, Beth Tarleton, and Sarah Trotter

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Note from the editors: in the conversation that follows, which took place on Friday 18 October 2024, members of the project discuss the two reflection pieces that feature in the *scrutiny and surveillance* section of the special issue: Fatima Ahdash's paper 'The securitisation of parents: the regulation of parenting in the counterterrorism context', and Simon Flacks's paper 'Critical drugs scholarship and the regulation of parenting'.

SIMON: Looking at your paper, Fatima, there are quite a lot of links and comparisons between our papers, aren't there – around themes like responsibilisation and causality, questions of deviance and pathologising, around what we understand to be disordered subjects. And I guess also that emphasis on locating the blame for things like substance use or extremism within recent moves towards family responsibilisation, which is something that you're interested in as well. There are also the gendered expectations around caregiving which is also a shared interest in our papers. So, there were quite a lot of interesting crossovers. In my paper I was particularly interested in something that I noticed during the interviews: how judges and lawyers talked about the question of trauma. On a first reading it seems quite an empathetic approach, the idea of recognising that these parents who are appearing in family courts have a history of trauma themselves and that we shouldn't therefore be stigmatising them. But I wanted to question whether that discourse of trauma is actually always necessarily helpful and destigmatising in the way that practitioners and judges think it might be.

FATIMA: I think the point that you are making about trauma and coping is really interesting. It is almost like a way for the judges and lawyers and practitioners to cope themselves with parents who use or abuse substances. It's almost like they have to evict pleasure, because otherwise it's too deviant, it's too 'bad'. And so for the for the legal system to *cope* with those parents, it has to frame them as coping themselves and dealing with trauma.

I also agree that there is a lot of crossover between our papers. I think the papers are, to a very large degree, different manifestations of essentially the same socio-legal phenomenon. In my paper, I am trying to understand why parenting has become such a newly visible theme within counterterrorism. Because it is new. Before the last decade or so you didn't see this widespread understanding of terrorism and radicalisation as parenting failures or even parenting issues at all. So the paper examines this shift. The paper looks first at the

politicisation of parenting (that New Labour approach to the regulation of family life), which you talk about as well, Simon, and how it paved the way for the securitisation of parenting. What I am particularly interested in are the parallels that can be found between the regulation of parenting in the counterterrorism context and its regulation in other contexts, including drug and substance abuse. In these other contexts you find narratives of parents who are neglectful of their children, who are not proactive enough in their parenting, and there are echoes of these narratives there in the counterterrorism context. But, at the same time, there is a new category of parental deviance being constructed here also. So, you know, in the counterterrorism context, there is a suspicion of parents who are maybe a bit too involved in their children's lives, a bit too close to their children, a bit too practising of a kind of 'tiger or helicopter parenthood'.

SIMON: This is so interesting. But just going back to the point about the legal system coping with things that are difficult ... Judges are presented with this really difficult and probably almost terrifying problem of knowing that children are potentially being harmed. But at the same time, they also recognise that the parents themselves have been harmed, and they have to make these difficult decisions about what to do with the children – whether to take them away from their parents or to somehow try and keep them with their parents or whatever other options they might have. And so I think this recognition of parents as traumatised is a way for judges and the legal system to resolve their own qualms around these difficult issues. It also led me to think that maybe this focus on social issues becoming parenting problems is somehow a recognition of the failure of the state to do what we are hoping that the state would do, or what the state itself hopes that it might otherwise have done – almost the failure, sort of, of the idea of a modern, sovereign state that's able to intervene and make things better. That it's somehow an acknowledgement that the state can't intervene to make things better because it simply does not have the resources to do that anymore, because of moves towards marketisation and smaller governments, or because the problems seem so intractable in terms of poverty. And as a result, there is a kind of projecting in an effort to resolve the problem by responsiblising parents because what else can they do apart from try to responsibilise parents? But I think your point, Fatima, about the 'problem' of parenting undergoing this transformation, from parents being too detached or neglectful to being almost too close or involved, is interesting. In previous papers, I have talked about something similar – the shift from children being the 'problem' to a new emphasis on parents being the problem. So, in the context of substance use, for quite a long time in the late 90s and early 2000s a lot of the policy discourse was around fears regarding children, particularly older children, becoming addicted to drugs: that such drug addict teenagers would be a considerable threat to parents – that they would steal from their parents, for example, to fund their drug addiction. Now, though, it feels like it has shifted towards the 'problem' being parents who are using substances and the impact on children.

FATIMA: Yeah, that is an interesting shift. And just to expand on this idea of unpalatability or discomfort, I think it goes back to methodology in some way. I personally do find it useful to identify and look at judicial discomfort, especially in family court cases. I think it is generative, looking at parenting practices or parental identities that judges seem to be uncomfortable with. It takes us beyond just looking at harm, or parental practices considered to be harmful. So, when it comes to extremism and radicalisation, for example, family courts are not saying that parents having Orthodox or fundamentalist religious views will *necessarily* harm their children. But the judges – or at least some of the judges – are uncomfortable with parents holding these kinds of fundamentalist religious views, and with what that might mean in terms of their parenting and what it can do to the upbringing of children. So, this discomfort with parental beliefs and behaviours is a sort of in-between area

between harm and no harm, which I think applies beyond the context of counterterrorism. You can detect it when looking at cases involving anti-vaxxer parents, ethically vegan parents, and the new crop of what is sometimes referred to as ‘almond mummies’ – parents, usually mothers, who hold specific nutrition-based beliefs and only feed themselves and their children restrictive diets based on raw foods only. In a lot of these cases, the judges are not necessarily saying that this is harmful parenting but that they’re uncomfortable with it. So maybe there are different ways in which judges label parenting as being not very ‘good’.

On the other point that was made earlier – that parents must be attached but not *too* attached, that they must sort of be just attached enough – I think that there is almost this Goldilocks idea of being ‘just right’ as a parenting standard. And it’s really an elusive standard. So, you shouldn’t be uninvolved in your child’s life, but you also shouldn’t be too involved: you should be the ‘right’ amount of involved. You shouldn’t be unattached to your child, but you shouldn’t be too attached: you should be just the ‘right’ amount of attached. What I’ve found in many family court cases arising in very different contexts is almost this new standard of ‘good’ parenting being established – one that is elusive and subjective and almost unattainable in many ways. How do you, as a parent, monitor your child’s activities online to make sure that they are not looking at any extreme content, but you’re also not smothering them or stifling them to such an extent that they rebel against you by seeking out those very same extremist movements? That’s very difficult, but the state, including judges, seems to expect parents to know.

JULIE: Isn’t it interesting that individual parents get called out for their parenting ‘failures’, but I don’t know if there are many cases where the judges feel more comfortable calling out the failure of child protection services or the failure of internet giants to regulate extreme content on social media? It’s interesting because the way I see reported cases is they often tell a story for public discourse, and it’s sometimes a story about the society that we live in and even a story about the nation, in a way. This is what we tried to do with the Northern Irish Feminist Judgements project,<sup>1</sup> and we found this constant focus on the individual and the individual’s failures rather than the structural reasons that have led to us being in these situations in the first place. There are lots of other things that judges could call out, but they don’t seem to feel comfortable doing that and focus instead on the individual and their failures.

FATIMA: Yes, I think that’s right. I mean in child protection cases, judges can be quite critical of social workers. But often they are critical of the *individual* social worker in that case, as opposed to, as you say, Julie, the system itself. I think in family court cases dealing with radicalisation, what I find really interesting but also disappointing is the fact that if you pay attention to the voices of the children themselves, in the rare cases where children (invariably teenagers) have given evidence, you often hear very clear reasons that explain why they might have been interested in extremism. And those reasons are quite clearly socio-political reasons. So, in one of the cases, that I refer to quite extensively in the paper,<sup>2</sup> the teenage girl at the centre of the case says she is very angry about the situation in Gaza; she repeats that she is angry at the UK’s foreign policies that, in her eyes, wrongly aid Israel and further besiege Gaza. In another case,<sup>3</sup> the teenage boy says that he is aggrieved by the situation in Guantanamo Bay which has affected his family directly – his uncle had been

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<sup>1</sup> M Enright, J McCandless and A O’Donoghue (eds), *Northern/Irish Feminist Judgments: Judges’ Troubles and the Gendered Politics of Identity* (Bloomsbury, 2016).

<sup>2</sup> *London Borough of Tower Hamlets v B (No 2)* [2016] EWHC 1707 (Fam), [2016] 2 FLR 887.

<sup>3</sup> *Re Y (Risk of Young Person Travelling to Join IS) (No 2)* [2015] EWHC 2099 (Fam), [2016] 2 FLR 229.

detained in Guantanamo for years. But these political grievances that get articulated by the children themselves are almost ignored. They are sidestepped and instead the focus is on parental failures, which in many ways are a lot easier to deal with because they are familiar to the family courts, perhaps. They're also easier because it's uncomfortable for the state to seriously consider the reasons why a proportion of its youth population feel so alienated or so disconnected that they might be interested in joining a terrorist organisation abroad. It's too uncomfortable. And so the courts kind of close off those wider structural reasons and focus on individual parents instead. Even though children might be saying in their own words that they have made political choices, they get ignored because a 'normal' childhood is apolitical.

SARAH: I think the links between the two papers are fascinating. And it goes back to what we were discussing earlier, too, regarding the lifecycle almost of certain concepts in the family courts. So, earlier we discussed concepts such as parentification and attachment and their role in family court discourse. Simon has now also added in the question of trauma and Fatima has also introduced the question of discomfort. I think something really interesting is going on here in how these ideas are being used and constructed by family courts. But then relatedly, in relation to what you were saying, Fatima, I was thinking a bit about Donald Winnicott's idea of the 'good enough mother',<sup>4</sup> and the construction of that as a psychoanalytic concept. And it's interesting seeing something similar emerge here, the construction by the courts of the 'good enough parent', because I think that's basically what you're talking about, Fatima. But whereas Winnicott was coming at this from the perspective of the child and the relationship between the child and the mother in a psychoanalytic sense, here it seems to be a *normative* standard that has been constructed by the courts. Your paper, Fatima, also made me think of the idea of the 'judicial reasonable parent' in *Re G*<sup>5</sup> and *Re M*.<sup>6</sup> I wondered whether something more could be said about that. I know here we are talking about the regulation of parenting, but there seems to be also something interesting to be said about the role that judges play in the construction of parenting standards themselves.

FATIMA: Yes, that is an interesting question. I haven't really thought about the 'judicial reasonable parent', but you are right, there is something interesting to be said about judicial constructions of parenting standards. And yes, I think that the 'good enough parent' is very much there as a kind of elusive standard which parents might hope to achieve. But also, I think that at the heart of this is also perhaps the 'good enough child'. So normatively speaking, behind these constructions of parenting standards are also normative ideas about what the 'normal' and 'healthy' child is or looks like. So, there is almost a sense that a child who is too interested in politics, too bookish and introverted and also maybe home-schooled like the girl in *London Brough of Tower Hamlets v B*,<sup>7</sup> is not a very healthy child. A 'healthy' child goes to school, they are interested in sports and outdoor activities, they have well-rounded lives. And here I think it is interesting to note judicial language. We don't find references to a 'normal' child as such, but there are lots of references to 'healthy' children and there is a normative aspect to 'health' and 'healthy' here – there is a sort of disciplining biopower to it. This is reflected in some of the radicalisation cases where you find parents trying to convince the courts that they are good and that they have not encouraged the

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<sup>4</sup> DW Winnicott, 'Transitional Objects and Transitional Phenomena' (1953) 34 *The International Journal of Psychoanalysis* 89, 94.

<sup>5</sup> *Re G (Education: Religious Upbringing)* [2012] EWCA Civ 1233.

<sup>6</sup> *Re A (Children) (Contact: Ultra-Orthodox Judaism: Transgender Parent)* [2017] EWCA Civ 2164, [2018] 4 WLR 60.

<sup>7</sup> *Tower Hamlets v B*, above n 2.

radicalisation of their children by saying ‘look my child is active, she does sports, she watched Peppa pig,<sup>8</sup> she draws’ etc. Almost as evidence that: look, I have provided my child with a ‘healthy’, and therefore normal, childhood.

SARAH: This theme is there in your paper as well, Beth, where there are hints about the idea of the ‘normal’ childhood; it’s a similar narrative emerging, but in different contexts.

BETH: It is the same narrative, yeah. Like the concept of attachment, it is also used in a really black and white way in cases involving parents with learning disabilities, as if there is a clear ‘normal’ or ‘healthy’ attachment style.

DAFNI: In your papers, Fatima and Simon, part of what really struck me was this idea that parents are considered both as the problem and the solution. I think a lot of our conversations centre around how parents could be seen as a problem, but it really stayed with me how they’re also considered as the solution in a way where they’re actively asked to step into a very uncomfortable role for a parent – in the context of radicalisation it is very uncomfortable for them to monitor their children and perhaps even report them. I guess this is also connected to the previous points made about what the ‘reasonable parent’ is to do and how different groups of parents are constructed differently in terms of what would be reasonable to expect of them. For example, in the criminal law of continental jurisdictions such as Greece, if your child commits a crime, there isn’t this expectation on the part of the law that if you don’t report it you’re also committing a crime as a parent. Similarly, when it comes to testifying in court, perhaps in a situation of a parent testifying regarding a crime committed by their child, in the continental criminal law that I know, there is a recognition of the tension there between different duties that you have towards the state and towards your child – these conflicting moral or ethical duties.

FATIMA: I think that’s a really interesting point, Dafni. I’m not well-versed in criminal law, so maybe Simon can clarify. But as Helen Reece’s work points out, with the advent of New Labour in the late 90s and early 2000s, criminal law did become more authoritarian with regards to parents and the responsibilisation of parents.<sup>9</sup> So, Reece points at legislation such as the Anti-social Behaviour Act 2003 which, she argues, changed the concept of parental responsibility from something you owe to your child to something that you owe to the state. These pieces of legislation held parents accountable for the criminal or anti-social actions of their child, introducing things like parenting contracts between the local authority and the parents of a child who has been given an Anti-Social Behaviour Order (an ASBO). These contracts require parents to do things that ensure that this behaviour of their child is not repeated, for example enforcing curfews etc. But I do think that the point you make, Dafni, about essentially divided loyalties is really important. I think you’re right that most people would think that a parent is supposed to be mostly loyal to their child – that they owe their child responsibilities for their welfare and so forth. But, actually, if you look at it carefully, I think there is a subtle expectation that a parent’s main loyalty is to the state, not their child. So, it’s really a relationship between the parent and the state *via the child*, in a way – or at least that is how I see it. In my research elsewhere, I see that the state has been increasingly uncomfortable with families that are too close-knit. There is almost this fear that the more loyal family members are to each other, the less loyal they are to the state. Family loyalty is almost seen as threat to the nation’s security.

JULIE: But this loyalty to the state is only expected of *certain* families, because if you think

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<sup>8</sup> See *Re X, Y and Z (Disclosure to the Security Service)* [2016] EWHC 2400 (Fam), [2017] 2 FLR 583.

<sup>9</sup> H Reece, ‘From Parental Responsibility to Parenting Responsibly’, in M Freeman (ed), *Law and Sociology: Current Legal Issues, Volume 8* (Oxford University Press, 2006).

of wealthy families, they're very loyal to each other and they hide all sorts of secrets and they have the resources and means to be able to do that too.

FATIMA: Oh yes, absolutely; certain families only.

SIMON: This class dimension is also clear in family court cases dealing with parental substance use. We all know that lots of middle-class parents take drugs. Often in private family law cases involving disputes about child arrangement orders, for example, there would be allegations of drug use by one parent against another. And here you might find judges dismissing the seriousness of the allegations, saying 'well they're only taking a bit of coke at the weekend'. And they often have enough money to afford a babysitter or a nanny to look after their children when they're going on a big blow-out or to a festival for the weekend. Whereas drug use is portrayed and understood very differently when it is working-class parents, especially since there is social work involvement – the cases are primarily public family law cases. But I do think your point Dafni is really important. I find it interesting how criminological concepts cross over the boundaries between the criminal and family justice systems. And certainly the district judges that I interviewed have sat both in the family courts and criminal courts. The idea that they can suddenly put on a different 'hat' when they go from court to court is unrealistic with the influence of all of the discourses around what is and isn't deviant behaviour and who's behaving deviantly or not and who is stigmatised and so on.

I was also thinking about the point that you made earlier Sarah regarding 'good enough parenting'. I'm quite sceptical of this stuff around good enough parenting and I just wonder how lots of these concepts still act as cyphers. My sense is that judges, and everyone who works in the family justice context, can no longer be explicitly racist or homophobic. We're all supposed to be liberal. And so, these attitudes just come in much more subtly through concepts like 'good enough parenting' or around questions to do with deviance. And I think this is similar to what you're getting at, Fatima, as well, which is that judges won't explicitly say 'we don't agree with certain kinds of Orthodox religious behaviours or beliefs', but they will sort of hint at it. And that's actually quite frustrating because, as a researcher, you almost can see it between the lines but you can't say 'this is what they're saying'. I just wonder about the extent to which that's actually more corrosive than just coming out and saying 'yeah, actually we don't we really agree with how these parents interpret or practice religion' or whatever it might be.

FATIMA: I think you're absolutely right. That's what I meant by the idea of discomfort. So, a judge might say that a parent developing a 'heightened' sense of religiosity is not necessarily, in and of itself bad, but they might add that such a strict approach to religion can cause your daughter to feel pressure and can be a factor that leads to her radicalisation.<sup>10</sup> So, yeah, I agree, Simon, that it is frustrating when judges don't explicitly say, for example, 'this is a bad mother because she is an extremist' and instead just express qualms and discomfort about who they are as a parent.

JULIE: This reminds me of Rachel's paper earlier and the distinction between the things that adults are allowed to decide to do and the restrictions around adolescent or children's autonomy – as soon as children come into it, the fears start. It's a bit like the dawn of same-sex marriage in a number of countries. Same-sex marriage is allowed, but same-sex parenting is not allowed or facilitated.

FATIMA: I think that's absolutely right. I also think a really helpful question to ask here is:

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<sup>10</sup> *Tower Hamlets v B*, above n 2.

what is the mischief here? What is the harm? What are the social workers and judges afraid will happen, exactly? Why are we intervening in these cases involving addicted parents or extremist parents? How is harm conceptualised here? When you start to ask these questions, I have found – at least in my work – that practitioners in the family justice system find it really difficult to articulate the exact harm that they intend to prevent here. The harm that they anticipate, for example that children will become extremists and then eventually terror supporters or even terrorists, is built on a lot of unverified assumptions. I am not sure if you have found the same issue in your work, Simon?

SIMON: Yeah, absolutely. In the interviews that I conducted, some of the social workers found it quite hard to articulate what it is that they found harmful. So, they would sort of repeat what they were *supposed* to say, for example things about good enough parenting. They would reassure me that their focus was not just on the substance or drug use but on parenting as a whole. But it was apparent that they probably did have a moral objection to drug use in all its forms, though they could not really say it explicitly.

FATIMA: Yeah. That is exactly what I have found too. Asking judges and social workers and lawyers to be clear about what the anticipated harm is here tends to be revealing. It exposes how intervention is based on assumptions and presuppositions that are not empirically founded but can be rather ideological.

BETH: I think there are so many parallels with disabled parents. Perhaps this applies to any group of parents who are outside the middle-class ‘norm’.

JULIE: I wanted to ask a related question, Beth. So, parents with learning disabilities are disproportionately represented in child protection cases. But is there an increase in child protection cases overall? Or are we seeing greater intervention in families with disabled parents as kind of wider ‘support’? In other words, what has the impact of austerity been here?

BETH: I think there is an increase overall, but there is also an increase in the proportion of child protection cases involving parents with disabilities. Recent research by Katy Burch from Oxford Brookes University shows that a third of all care proceedings cases involving babies involve a parent with a *diagnosed* learning disability or a mild or borderline learning disability.<sup>11</sup> Before it was around 15 percent of all child protection cases, but now it’s a third, so there is a clear increase. But you also need to remember that not all of these parents have a diagnosed learning disability. A diagnosed learning disability is seen as being a ‘proper’ disability, and it entitles the parent to support under the Care Act. But parents with mild or borderline learning disabilities (sometimes called learning difficulties) don’t get support from the adult learning disability team with a local authority. And they tend to be the ones facing child protection proceedings.

JULIE: What about in the drug and substance use cases, Simon? Has there been an increase in comparison to ten years ago?

SIMON: I am not really sure about increases but if I recall correctly, two-thirds of all child protection cases involve an element of substance use. So, essentially, the majority of child protection cases have a parental substance use dimension to them. I guess there is an interesting crossover with cases involving parents with learning disabilities.

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<sup>11</sup> K Burch et al, *Babies in care proceedings: What do we know about parents with learning disabilities or difficulties?* (Nuffield Foundation, 2024), available at: [www.nuffieldfjo.org.uk/resource/babies-in-care-proceedings-what-do-we-know-about-parents-with-learning-disabilities-or-difficulties](http://www.nuffieldfjo.org.uk/resource/babies-in-care-proceedings-what-do-we-know-about-parents-with-learning-disabilities-or-difficulties), last accessed 14 January 2025.

BETH: Though of course the disability might not be recorded.

SIMON: Right, yes, of course ... And I guess there's also difficulties with separating and atomising the different kinds of issues that are affecting parents in different categories.

FATIMA: I think the overlaps in these cases from different contexts (drug/substance use, learning disabilities, radicalisation) are definitely interesting, but what interests me as well are the differences and distinctions too. Especially when it comes to parental extremism and childhood radicalisation, I think it's useful to think about some of the *distinctive* kind of problematisations involved. So, a history of parental drug use, for example, is almost non-existent in many of these radicalisation cases. In fact, in several of the radicalisation cases, judges have repeatedly insisted that these are otherwise 'very good parents'.<sup>12</sup> That other than the extremism element, these are 'good' parents – stable, loving, highly educated etc. So, it's interesting because on the one hand you have a reinforcing of the traditional and classed standards of 'good parenting', but on the other hand these cases add a new dimension to the 'good parenting' standard. To be a good parent, then, you must love your children, you must not use drugs, you must have a high enough IQ *and* you should hold liberal, tolerant views; you need to be religiously moderate and not overly zealous. But on a different note, I wanted to also ask both Beth and Simon if they could elaborate a bit more on this idea or question of 'support'. There's kind of a Catch-22 situation: as a 'good' parent, you're supposed to ask for support, but if you get too much support then it works against you. In the cases I have been looking at, for example, seeking 'ideological' support is seen as a sign of good, responsible parenting. A parent is supposed to be willing to de-radicalise either themselves or their children; they are supposed to ask for the installation of software to detect the online activities of their children, they are supposed to seek training to spot the signs of radicalisation and seek the support of the Prevent and Channel programmes. All of this support is presented as voluntary, rather than coercive. But if, as a parent, you sort of somehow slip up and do the wrong thing, it can quickly turn into compulsory intervention. So I wondered about this idea of parental support and how double-edged it is.

BETH: It's completely double-edged. But for parents with learning difficulties, support is not normally voluntary. Because there are risks and concerns, there will often be a child protection plan that should support the parents to do the parenting. Yet because there is a child protection plan, that is where the issues start to arise. Parents get into a bit of a double bind. On the one hand, the parents don't want the social workers to take over their parenting. They want help and guidance but not a complete takeover of their parenting duties. But because there is a child protection plan, the parents are too scared to go against the social workers in case they will be judged negatively and then have their children removed from them. There is quite a lot of talk in the court cases that parents should be provided with long-term support, but that doesn't fit with the child protection model that is adopted which has really unequal power dynamics in place that undermine this idea of 'support'. There is no clear line between what is good support and what is substituted parenting. And with the use of phrases like 'substituted parenting', a lot of the parents said during the interviews that they did not feel supported; instead they felt replaced or shoved out of place. The parents do actually want support, but they just don't feel like they're getting the right kind of support.

SIMON: It's very similar in the drug and alcohol context. Often what happens is parents are given six months or so to come off drugs or alcohol. After six months, they will be tested. The amount of support that they get during that six-month period will vary considerably depending on the circumstances and also the area. But there's a fixation on drug testing, as if

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<sup>12</sup> *Re X (Children) and Y (Children) (No 1)* [2015] EWHC 2265 (Fam), [2015] 2 FLR 1487, para [28].

abstinence will resolve all the problems in those families. I guess maybe it is understandable from the court's perspective to some extent, because the test gives them something to focus on, doesn't it? Judges feel they are unable to do anything else, and so the drug test, that appears to be intelligible and identifiable, is seen as the solution. But yeah, the social support is often not there. Sometimes there might be some drug rehabilitation treatment which can of course be really helpful, but it doesn't resolve all of the other problems that those families might be experiencing. But this question of moderation, Fatima, is really interesting, because it is obviously applicable to parental substance use as well. And I guess that it can have quite a normalising effect, this idea of what is and isn't 'moderation'. I suppose it also depends on quite a lot of personal biases, too – what is 'moderate', and what is extreme or excessive?

FATIMA: Yeah, absolutely. And the question of who gets to decide what is extreme and what is moderate? A secular judge? An Anglican judge? I also think the moderation point really comes across in some of the recent childhood obesity cases, as well. The sort of idea that there is excess here, that the children are not eating in moderation. So, this idea of moderation is prevalent and it is, as you say, Simon, normalising. It conveys that the 'normal' person is a moderate person, and so therefore the normal, 'good' parent is moderate in everything that they do.

SARAH: There was also the case, wasn't there, in which two children were moved into foster care because of concerns about their weight.<sup>13</sup> The parents had essentially been asked to bring their children into a more moderate form of eating ... So yeah, it is a concept that seems to emerge in so many different contexts in the family court.

FATIMA: And to an extent it is understandable, as Simon says, because what else are judges supposed to do in these kinds of cases? They want to kind of give the parents in question hope, I suppose, by providing almost a roadmap out of the situation they are in. So, they say to these parents that there is a way to avoid something more drastic like permanent removal of children, that they need to adopt a more moderate lifestyle, they need to return to 'normality'. But it is a way to only manage the symptoms of the problem, as it were, without ever having to go to its roots.

SARAH: It is also constructing the problem as well, right? That's the thing that's interesting about it. It's the management of something that's also been, at the same time, constructed or made into a narrative.

FATIMA: Yeah, absolutely. It's normalisation, as Simon was saying.

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<sup>13</sup> *West Sussex County Council v A and B* [2020] EWFC B62.