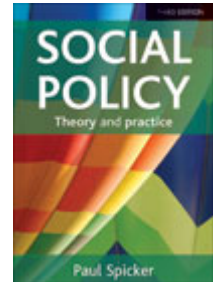


An introduction to Social Policy

Paul Spicker

Social policy and interpersonal relations



People and society |

The body | Birth and reproduction | Terminating pregnancy | Sexuality | Marriage | Death | Suicide |

Interpersonal relationships | Law and social control | Morality | Stigma, discrimination and prejudice | Equalities | Interpersonal violence | Public and private violence | Domestic violence | Child abuse |

An introduction to Social Policy Menu | Contents | A-Z of topics |

Many people assume from its name that 'social policy' must be primarily concerned with making policies to govern personal and social relationships. That is not really true - most of the content of this website is about other issues - but the subject does take in a range of policies that have a direct and immediate effect on the ways that people live together, and it is probably true to say that the literature of social policy has moved strongly in this direction in recent years.

Some of the issues dealt with here are sensitive and contentious, and readers should be aware of that. The discussion here is not intended to be a comprehensive treatment of these topics, but rather to explain the scope and limitations of social policy in this field.

People and society

From the point of view of social policy, there are several ways that we might look at people.

- *biology*. Humans are also animals, with common needs, for food, fuel, shelter and so on. Some biologists claim (very disputably) that human behaviour is biologically determined [1]; the geneticist Steve Jones is clear that it is not.[2]
- *human beings*. Beyond the animal, human beings rely on each other for care, friendship, love and so on. Ideas of 'human rights' take in issues such as the protection of children, security and cultural issues.
- *individuals*. The idea of the 'individual' is a social construct, and much of the literature concerned with 'individuals' is highly charged politically, focusing either on economics or

politics. An individual is represented in the economic literature as independent, self-determining, and self-interested.

- *persons*. A 'person' in sociology is usually identified in terms of roles and relationships with other people.[3] Not all persons are human beings - a 'corporation' is a person in law. People can continue to exercise their rights as persons after death, through wills and succession. And, sadly, not all living human beings are recognised as persons - people with dementia are often treated as if the person is already dead.

People are social: we live with others, and we depend on each other. The goods, services and tools we use are the work of many hands. We are part of social groups - families, friends, clubs - of communities, and of a society.

The body

The things we do with our bodies - things such as eating, washing, dressing, going to bed - are highly socialised: the way we do them has to be learned as children. There is a presumption that adults know what to do and how to do it, but often there are regulations to make sure they do, just in case.

The body is not necessarily 'private'. The idea of privacy implies that people are entitled to have a reserved space that others cannot interfere with, though some contemporary concepts interpret this to mean that people own themselves or their privacy and can choose to sell their rights or give them away. The scope of that reserved space has been subject to change. Issues of [child protection](#) and [domestic violence](#) were formerly seen as private, and are increasingly thought of as public.

The French historian Michel Foucault argued that societies are shot through with relationships of power shaping people's use of their bodies, an idea he termed "bio-power".[4] This runs all the way through people's lives, from the education and care of babies through to the privacy and freedom of adults.

Birth and reproduction

In keeping with the general principles relating to the body, issues of birth and reproduction are rarely treated as purely private or individual. Managing births is important for public health, for the definition of citizenship, and for policies that are concerned with population - both population control and the demographic make-up of a population.

In relation to *public health*, infant mortality is one of the key indicators used in world development, offering as information about the conditions that children are reared in but also saying important things about the health of mothers. There have been very marked improvements in infant mortality in recent years; in most countries it has fallen to a half of what it was 20 years ago.

In relation to *citizenship*, the registration of births is central to citizenship and the development of educational provision. The issue of identity papers is being represented in international organisations as a major step towards social inclusion.

In relation to *population control*, the birth rate generally falls as the economy develops. The reasons are complex. Part of the explanation is the changing role of women, who delay childbearing when they have options for education and employment. Some reduction may be attributed to contraception; some, perhaps, to the effect of urbanisation on the costs of raising

a child. But a significant element must be the fall that most countries have seen in infant mortality. The association is clear and strong: once parents see that children have a realistic chance of surviving to adulthood, the number of children they have drops markedly. As an Indian minister once commented, “The best contraceptive is development”.

Some countries have been concerned that falling fertility rates are inconsistent with the reproduction of their society and their national identity. *Natalist policies* are intended to promote population growth, usually through a combination of propaganda and privileges or economic incentives. None has been successful.

External links: [The World Bank celebrates new ID papers in Peru](#); [Infant mortality and fertility \(graph\)](#)

Terminating pregnancy

There are many competing views about abortion. Feminists have argued that unwanted pregnancy is primarily a matter for the woman, and that abortion represents the woman's right to choose. Judith Jarvis Thomson has compared unwanted pregnancy to being taken prisoner for nine months.[5] Against this, ‘pro-lifers’ have argued that the foetus has rights, and that the right to life of the unborn child must take priority, even in extreme cases such as pregnancy through rape or situations where the mother will die if the pregnancy continues. Both the latter points were at issue in *R v Bourne*, a legal case in England in 1938, long before abortion became legal in 1967. A 14 year old girl had been raped by a group of soldiers; the surgeon who terminated the pregnancy was tried, but acquitted by the jury.

The situation is more complex than the binary divide suggests. Sheila Shaver examines abortion rules in different countries, and argues that much depends on whether the society leans to individualism or collectivism. From the perspective of individualists, abortion is the woman's business, and no-one else's. For collectivists, even when individual rights are fully accepted, others may have a stake and a say - fathers, families, medical professionals and the wider society. It follows that abortion laws have been more liberal in the United States, where *Roe v Wade* established a constitutional right for women to choose termination, than in much of continental Europe.[6]

Sexuality

Sexual behaviour is not necessarily considered to be individual or private; on the contrary, many countries, possibly most, have laws which regulate sexual relationships and criminalise behaviours which are considered to be morally unacceptable. Those restrictions commonly include

- the protection of individuals (age, lack of consent, risk of infection)
- rules to regulate the harm people may do to others (e.g. domestic violence or bodily harm)
- regulation of public conduct (including dress, sex work or conducting private relations in public) and
- prevention of conduct that is morally disapproved of.

The same rules usually extend beyond the immediate relationships, into a wide range of related activities. If something is forbidden - and sometimes even if it is not directly forbidden - then selling, advertising, using the proceeds or even informing people about it may be the subject of legal restrictions.

Most of these issues could be said to have a public dimension. However, the rules in several countries extend beyond that into apparently private matters, such as the sexual relationship of married couples.

Marriage

Marriage is, in its nature, a close personal relationship, but it is generally regulated to govern mutual rights and responsibilities, property, and family relationships. Relationships which fall outside the framework for registration are often treated as if they were within it - leading to the (somewhat inaccurate) idea of a 'common law' marriage.

The regulation of marriage typically includes:

- arrangements for registration of marriages
- laws regulating the initiation of marriage, annulment and divorce
- the extent of permitted relationships - such as age, degrees of closeness (marrying family members) and the number of spouses (usually, but not always, one at a time). In recent years, several jurisdictions have permitted same-sex marriages.
- rules relating to joint property and succession.

The rights and protections associated with marriage do not extend to other types of households, such as intergenerational households or two adult sisters living together.

Death

Death in many societies has been 'medicalised': certification of death commonly relies on medical confirmation and as people are dying there is a strong possibility they will be removed to hospital. This is not a reflection of policy as such, but of social and medical practice. The growth of the hospice movement has been an attempt to find a middle way between the medicalised death that many experience and the peaceful home death that most people say they would prefer.

Funeral arrangements are not strongly subject to policy, either, but policies have aimed to build around the social and cultural norms that relate to practice. Despite the universality of death, universal benefits - meeting funeral costs without a test of need or contribution - are unusual. Where funerals are managed communally, states rarely supplant those arrangements; where they are managed commercially, the activity will be regulated and possibly subsidised by insurance or means-tested benefits. Because dead bodies present a public health hazard, there is usually some residual mechanism for disposal of bodies where no funding or support is available.

Suicide

There is an extensive literature on the sociology of suicide, concerned with why people do it, how it manifests itself and, following Durkheim [7], what that says about a society. Specific policy relating to suicide is a much narrower topic. In many jurisdictions, suicide has been decriminalised, which means that people are no longer punished for attempting suicide or doing it. For 'black-letter' lawyers, those who interpret law strictly in terms of written rules, that may be taken to mean that suicide is no longer illegal - the view taken, e.g. by Canadian courts.[8] The alternative view is that suicide remains illegal even if it is not subject to punishment. It remains illegal to help people commit suicide, to encourage people to do it, and to selling related services; and a person who harms someone else during a suicide attempt may well be liable to penalties in law.

Suicide cannot be defended simply in terms of individual freedom, because like other irrevocable choices (such as selling oneself into slavery) it denies all possible freedom for the future. The exception is 'assisted dying', where someone who is on the point of death (typically with a terminal illness) is choosing the manner and timing of their death, not whether they will die. The objections to assisted dying fall into three main classes: basic objections to the principle (religious and moral), fears about the practice (that people may be unlawfully killed, or pushed toward suicide) and concern about implications (for example, the security of older people with diminishing capacity).

Interpersonal relationships

Law and social control

Many people tend to think of law as the process of regulating criminal activity through prohibition and punishment, but the scope of law is much wider. Laws regulate personal relationships by :

- establishing the framework for key social relationships - rules relating for example to marriage, family responsibility and obligations to strangers
- making rules about the things that people must do - for example, sending children to school, paying for child maintenance after a divorce
- making rules about the things that people must not do - such as rules relating to racial hatred, burying people wherever they please, or fighting
- establishing public services and systems of support, such as social security, child protection or health care.
- encouraging people to behave in certain ways - some countries have laws saying for example that elderly people must be respected.

Beyond that, there are other ways through which it may be possible to exercise 'social control'. They include:

- the use of incentives and disincentives to encourage people into desired patterns of behaviour
- the maintenance of social order through norms and values, strongly encouraged by the education system.
- pressures for conformity and 'integration', such as requiring people to seek work as a condition of receiving benefits, and
- the stigmatisation and 'othering' of people who do not comply with these norms..

Morality and interpersonal relationships

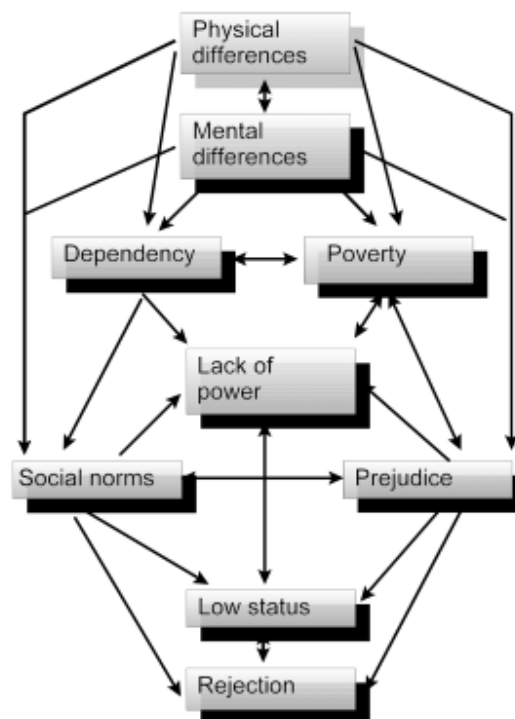
Morality might be based on general principles, applying to everyone, but it might also be communitarian, depending on particular relationships in a range of social contexts. There is a fundamental conflict between liberal individualism, which holds that individuals should be free to do things which do not directly affect others, and collective morality, which holds that every person should follow moral norms that people in that society share - or more simply, that people should do what is right. This is often represented as a conflict between 'the individual' and 'society', but both are constructs: 'individuals' sometimes include families and businesses, and 'society' can cover communities, associations and nations.

Legal rules about personal relationships are often closely related to moral rules, but the relationship is not straightforward. Laws have to be enforceable, and capable of proof; typically laws are based, not on people's character or intentions, but on actions and the consequences of those actions. Sometimes laws enforce moral rules directly - e.g. the rules relating to marriage and divorce. Sometimes laws are slow to change when morality changes - e.g. rules relating to gender. And sometimes they run ahead of public morality, prompting changes in norms - e.g. rules liberalising sexual conduct.

Stigma, discrimination and prejudice

The idea of 'stigma' covers a wide range of issues in social policy, including the feelings of shame and humiliation, the feelings and behaviour of other people towards the people they reject, and the process of discrimination, rejection or treating people as 'other'. People might be rejected because of physical differences, mental issues, dependency, poverty, and lack of power or low status. [9]

Prejudice refers to the attitudes and sentiments that people feel towards stigmatised people; discrimination is the process of acting on prejudice, though it can be done directly or indirectly. Both can produce disadvantage or inequality, but disadvantage can arise in other ways.



Free eBook: [Stigma and social welfare](#)

Equalities

Various characteristics are 'protected' through legislation on equalities; this means that when people with those characteristics experience discrimination, they have some legal redress. In the UK, protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. [10] In Belgium, the protected characteristics also include age, disability, marital status, religion, sexual orientation, gender and gender identity; but beyond that they extend to philosophical convictions, birth, wealth, political views, trade union activity, language, current or future health condition, physical or genetic characteristics and social background.

Legislation about 'equalities' mainly focuses, not on the structural issues or social divisions which lead to social disadvantage, but on the personal experience of people who suffer from prejudice or discrimination. Treating this focus as a response to inequality is based on the argument that a combination of discrimination and micro-aggressions reinforce or lead directly to disadvantage more generally.

Link: [Welfare and equality](#)

Interpersonal violence

Public and private violence

There are different forms and levels of violence. The common law in England drew a distinction between 'assault', an act causing apprehension in a reasonable person, and 'battery', non-consensual physical contact. Violence between two people in public would constitute an 'affray', or a breach of the peace, and violence between three or more could be considered a riot. Police officers are invested with the power to use necessary force to prevent disruptions to public order.

All criminal acts are public, by definition. Violence is often criminalised, wherever it takes place, but violence conducted in private places is more difficult to regulate, and policing in practice often requires a negotiation to determine the limits of acceptable behaviour. In two cases, however, violence in private has moved more clearly into the public sphere: violence to spouses and child abuse.

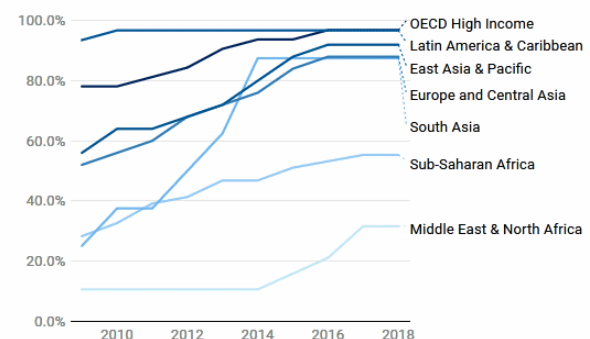
Domestic violence

 World Bank data on domestic violence legislation

Relationships between husband and wife were long considered to fall in to the private sphere; the (male) head of household had full control over property and lifestyle, including the behaviour of adult children or servants, and might be considered to have a right to chastise any other member of the household as he saw fit. Although most societies have now recognised women's rights to property, there are still many where what happens within the household is treated as private. In those circumstances, women are particularly vulnerable to abuse.

Protecting Women from Intimate Partner Violence: Progress over the past decade

Regional trajectory of domestic violence legislation, WBL2009 – WBL2018



Source: World Bank Women Business and the Law Database

These views have been challenged in three main ways. The first has been the growth of feminism, and particularly those aspects of [feminism](#) which have emphasised women's relative lack of power; domestic violence is often represented as part of a general pattern of dominance and subordination. The second has been the growth of individualism, which treats everyone as possessing rights of their own. The third has been the extension of public protection into the domestic sphere. This is exemplified by a legal approach that objects to the practice of police or courts treating domestic disputes as private issues, and calls for mandatory reporting of such issues.[11]

Child abuse

Early legislation recognised the problem of child neglect, in large part because neglected children became the responsibility of public authorities; but the possibility that parents might abuse children was often denied, reinforced by the belief that hitting children was a good thing morally. The 'discovery' of child abuse in the 1950s was based on medical evidence from radiography which showed that children were repeatedly having bones broken.[12] The development of social work intervention began with reactions to previous violence, and moved during the 1950s and 60s to work to prevent abuse from happening. A similar process of 'discovery' has led since the late 1980s to recognition of the importance of the sexual abuse of children.

There is a general presumption that the best thing for a children normally is to grow up within a family. Intervening in cases of abuse is often marked by conflict about this principle, oscillating between criticisms for intervening too actively and criticisms for not intervening

enough. An alternative approach has been to attempt to 'shift the curve' by limiting the capacity of parents to hit their children. Some legislatures have made it illegal to hit a child on the same basis as it is illegal to hit an adult. This does not mean that no child will ever be hit, any more than no adult will be, but it does mean that parents who hit children sufficiently badly to merit intervention cannot defend their actions in terms of 'reasonable' punishment.

Link: [Child protection in the UK](#)

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Cite this page as:

Spicker, P (2019), Social policy and interpersonal relations, *An introduction to Social Policy*, <http://spicker.uk/social-policy/interpersonal.htm>, obtained on 05 November 2019.

Guide to the site

Introduction to Social Policy Contents | A-Z |

Social Policy Social Policy | Social need | Poverty | Welfare & Society | Interpersonal relations | Welfare and Equality | Welfare States | Politics of welfare |

Social Services Social administration | Housing and urban policy | Health | Social security | Education | Personal Social Services |

Social policy in the UK UK Social Policy | Development 1601-1948 | British social security | The NHS | Housing | Education | Personal social services |

Resources Online resources | Blog | Paul Spicker - online material | Readings in social policy |

The website About the website | Copyright | About the author | Top of page |

This file was last updated on 30 September 2019.