

The debate on shared parenting in Germany

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Abstract

Science versus Advocacy looms large in the debate on shared parenting in Germany as it touches a topic widely regarded to be one of the most contentious in the country today. Discourse theory spells out the conditions for a fruitful debate and provides a methodological framework for describing the characteristics of the German discourse on shared parenting. The paper analyses secondary sources of key participants in the debate against the backdrop of the presuppositions of an ideal communicative structure of rationality, reflection, inclusiveness, and truthfulness. Where these communicative structures are missing to a large extent advocacy will dominate science and policy makers, legal professionals and practitioners in family policy will be shielded from the 'best information available'. Since decisionmakers need scientific expert opinion to guide policy making and the application of law, the paper concludes with a proposal to equip them with the tools to discern science from advocacy.

Keywords

Communicative Structures; Discourse Theory; Family Policy; Germany; Policy Advice; Science vs. Advocacy; Scientific Standards; Shared Parenting

Introduction

In the beginning of the new Millennium a trend towards overnights of infant and toddlers at their separated fathers' homes began to take up momentum in the United States. Until in 2011 a series of contributions spearheaded by an article of the psychologist J. McIntosh sought to put an end to this practice by claiming that overnights of small children away from their mothers would jeopardise the mother – child relationship (Fabricius and Suh 2016: 3-4; Warshak 2017: 180-183).

The reaction by the academic community to the attempted resurrection of so called blanket restrictions was unambiguous. The child psychologist R. Warshak united scientists and practitioners worldwide to endorse a consensus report on shared parenting and overnighting (110 scientists and practitioners) which reflected the common understanding of the child's best interest in science and child practice to "stem the tide of misinformation" (Warshak 2014: 46-67). Distinguished scientists in the field of developmental psychology and pedagogy were quite clear in their opposition. L. Nielsen spoke of prejudices and fiction (Nielsen 2008; Nielsen 2015: 123-127), L. Drozd of unacceptable research (Kuehnle and Drozd 2012: 27-32) and W. Fabricius of obvious contradictions (Fabricius and Suh 2016: 4). In the wake of the debate on shared parenting a new metaphor for describing the distortion and misuse of research by advocacy groups – the so called woozling was coined in the global scientific discourse. The term woozle or to woozle is borrowed from the childrens' novel Winnie the Pooh, who is misled by his own footprints to believe in a scary beast he and his friends dubbed „woozle“. Emotionally charged debates which often center around the well-being or purported well-being of the weak or disenfranchised members of society are prone to woozling (Hutchins 2014; Nielsen 2014: 164-180; Nielsen 2015: 84-86). Woozles, especially as they seemingly reinforce traditional views of family and common gender-stereotypes (so called anchoring), play a detrimental role in the German debate on shared-parenting, which the Psychologist S. Rücker has recently dubbed the „central battle in family policy of our times“ (Menkens 2017).

In this paper I shall explore which mechanisms are at work and which communicative structures are in place that serve advocacy rather than science. The aforementioned parallel struggle for scientific standards in the Anglo-Saxon scientific community may be understood as a contrasting (positive) example. The intriguing question of *why* the debate on shared parenting in Germany remains at a rather low scientific level I cannot answer at this point. A voluntary immunisation of part of the German academic community against the global scientific discourse certainly plays a role. Especially in matters of family policy this detachment is actively sought by decision makers who more often than not claim that most empirical scientific evidence is not transferrable to Germany. The contributions cited in this paper are exemplary for the debate on shared-parenting in Germany.

The experts mentioned are widely regarded as the main authorities in the field of family policy in this country (Oberlandesgericht Jena 2016: RZ 43; Bundesgerichtshof 2017: RZ 31).

It is, alas, not family policy alone, which suffers from political advocacy in the guise of science. The initial idea for this contribution was sparked by an essay of a courageous historian in one of the leading German newspapers (Frankfurter Allgemeine Zeitung). In her article the young scientist delineated the mechanisms of political advocacy by academics in the debate on migration and integration in Germany. The analogies to the debate on shared parenting are striking (Richter 2016).

Science versus Advocacy and Communicative Structures

The decision making bodies in a democracy have an inherent interest in an independent and truthful academic discourse as the grand dame of political theory Hannah Arendt did not tire to emphasize (Arendt 1958: 345; Arendt and Nanz 2006: 56-58). Furthermore, science in its present shape has undergone an evolution that reaches back to classical antiquity and the writers Homer and Herodot (reflection of the opponent's side) and that has taken up momentum in modern times with the rise of the natural sciences and the demystification of our natural environment. From a mere delivery of anecdotal evidence science has come to be understood as a complex process of deliberation of what the intellectual strata of society understands to be true (Peirce 1934: 268).

The scientific deliberation is based on the core values of truthfulness, hard work and success (Arendt 1958: 329-388; Arendt and Nanz 2006: 60; Bronowski 1956). Modern philosophers and political theorists have elaborated further on the process of deliberation in their endeavour to reflect the evolution of science and ground truth and reason in a more process oriented pragmatic (and therefore less transcendental) framework than classical and modern thinkers before them (e. g. Kant) have done (Hoy and McCarthy 1994: 38-40; Habermas 1996: 287-387). Prominent among the post-war era discourse theorists is Jürgen Habermas who postulates like other fellow philosophers and political theorists that only the structure of the debate itself can safeguard that the *best information* and reasoning available is being taken into account and will prevail (Habermas 2001: 48). He spells out four conditions or presuppositions that need to be met in an *ideal communicative act* i.e. a contribution to a debate: a public and non-exclusive forum for debate, equality among the participants of a debate (each one has the opportunity to make herself/himself heard), truthfulness and the absence of coercion (Habermas 2002: 61-64). These presuppositions apply contrafactually, i. e. even when discourse participants wilfully neglect some of them for example for strategic reasons they still accept them to apply in principle. No discourse participant will openly question the *prima facie* validity of the presuppositions on an ideal communicative act without compromising her or his own position (Reese-Schäfer 2001: 84-85). The postulation of a universally applicable norm of a *communicative rationality* or *communicative reason* (Habermas 1992: 119-130) is important for the following analysis of

the debate on shared parenting. It allows to measure the contributions of the main discourse participants against the pre-suppositions of an *ideal communicative act* that can be assumed to be universally accepted by all contributors. As described in the introduction: For the debate on shared parenting the quality of the discourse is of paramount importance as the topic is strongly contested and a generally accepted state of what is currently believed to be true is therefore difficult to establish. Almost legendary is the quote of the former US presidential candidate Hillary Rodham Clinton regarding one of the most controversial aspects of family policy – the child’s best interest – from her time as an assistant professor of family law: “Best interests operates as an empty vessel into which adult perceptions and prejudices are poured.” (Rodham, 1973) Against this backdrop it is the more crucial for policy makers and legal professionals to have access to the ‘best information available’. While a more thorough discussion of discourse theory in respect to law and democracy is unfortunately beyond the scope of this paper and decision makers will in any way mostly not have the time to delve into discourse theory the paper will conclude with practical policy recommendations on how to support the lay observer in distinguishing science from advocacy. In the run up to these recommendations the paper will focus on the pre-suppositions of a meaningful debate – rationality, scientific rigour, inclusion (or non-exclusion) and truthfulness.

Strategic Communication: Arbitrariness, the negation of scientific standards and argumentative gaps

The main contributors to the debate on shared parenting in Germany are highly educated distinguished academics in the field family policy. It is needless to say that their contributions are not stray comments but follow (in the examples under review) a rational of partisan influence. Before we turn to the pre-suppositions of inclusion and truthfulness, it is important to remember that rationality (next to a basic common understanding of the world) is the foundation on which meaningful communication rests. This rationality has to be mutually afforded to and by all participants in a debate in order to make communication worth their while in the first place (Habermas 2001: 25-31). In this respect, we have to recall that actors do respect the presuppositions of an ideal communicative act in principle even though in a particular case they may neglect them (partially) for example for strategic reasons. An incentive to do so may be strong for key contributors to the debate as can be seen from the German case.

The psychologist J. Salzgeber who is a renowned expert in the field of family law runs a business for family court appointed expert opinion (GWG) (Kammholz 2008). Litigation that requires expert opinion does per se increase turnover. From a business point of view, it cannot be in the best interest of Mr. Salzgeber to be entirely bi-partisan towards legal reform that helps to successfully limit litigation in front of family courts. This would happen if the legislative body chose

to prescribe a standard or ideal parenting plan that became the desired outcome of any court hearing. This applies independent of what this ideal parenting plan might be. The opposite and the status quo in Germany are case-by-case decisions with no guideline as to what should be the desired outcome. A missing presumption of what is *prima facie* in the child's best interest leads to conflict with high emotional stakes on the sides of both litigating parties; especially as the preferences of each parent are usually quite opposite (in most litigation mothers are against shared-parenting and fathers pro).

The pedagogue K. Kostka, another well-known expert voice in Germany, has won academic merits conducting research and writing extensively on domestic violence against women and children. The theme of the father and/or male partner as a threat and disturbance to family life is prevalent in many of her contributions (Kostka 2005: 36-39; Kostka 2012: 56-75; Kostka 2014b: 57-61). From this very narrow perspective on dysfunctional family relations the standard prescription for parenting plans after separation can only be to distance children from their fathers as much as possible.

With the described rationale for advocacy in mind an observer of the debate may be little surprised to learn that “although many studies have been undertaken science may not deliver clear results concerning the best interest of a child given divorce and separation. Since no study can comprise all possible variables one can always find a study that bolsters one's own position” (Salzgeber 2015: 2019, 2024). Ms. Kostka seconds by writing: “Given the heterogeneity of the definition [of shared parenting, (added by the author)] the empirical data is based on very different [parenting] models and delivers for this reason alone very different results.” (Kostka 2014a: 147)

This purported Fuzziness and Arbitrariness can clearly not be aligned with commonly accepted scientific standards. In her review of literature on shared-parenting the law professor H. Sünderhauf employs a quality taxonomy by the German Medical Quality Assurance Board (*Ärztliche Zentralstelle für Qualitätssicherung – ÄZQ*). This quality taxonomy clusters scientific contributions into so called evidence classes (*Evidenzklassen*) on an ordinary scale from highest evidence for meta-analyses of several randomized and controlled empirical samples to lowest evidence for mere expert opinion and descriptive studies (Sünderhauf 2013: 262-263). In essence; a contribution carries the more weight the more high-quality data it is based upon.

The value of scientific contributions is usually augmented by the review of a scientist's findings by peers, i. e. fellow experts in the field of study. In the course of the peer review results are often first presented and discussed at an international conference of experts in the specific topic and – if the results are found to be satisfactory – in a second step submitted to reviewers of a scientific journal who decide on a possible publication (Faigman et al. 2014: 459; Nielsen 2015: 101). There exist to

the best knowledge of the author no German contributions to the debate on shared-parenting that meet these quality criteria. It cannot be the language barrier alone, as the smaller European neighbours present themselves more able and willing to meet them.

Specific quality criteria apply to meta-analyses. Firstly an unbiased and representative base of primary analyses needs to be ensured by stating the filter criteria (for example in research networks/databases) and by being transparent about other selection criteria. Secondly the methodology of data-aggregation needs to be thoroughly discussed. All available information is ideally used for the analysis (i.e. not only individual effect sizes but also their variation). Alternative explanations shall be controlled for. The more details are given the better, i.e. not only the effect size and the level of significance but also the underlying means and standard deviations of the empirical data (Bausermann 2002: 94, 97-99; Nielsen 2015: 101-103).

Broad meta-analyses of peer reviewed papers that are transparent as to the selection criteria and the method of aggregation rightly possess the highest scientific validity. It is very unlikely that with one or several of these studies all possible positions may be backed as has been unduly claimed in the aforementioned statement.

But even the negation of scientific standards does not necessarily ensure the availability of a supporting study. This can be seen from the argumentative gaps that more often than not beleaguer German language publications on shared parenting. It is common to stumble across positions that are seemingly coming out of the blue being little or not at all backed by evidence or reasoning. In the debate on parenting plans after separation for example it is often claimed that shared parenting is not suited for infants and toddlers and that a shared physical custody is a demanding endeavour that is only rather sporadically realised in practice.

J. Salzgeber states that „at the moment there exists no clear recommendation as to how much time is needed at least to establish a positive parent-child relationship. The most beneficial arrangement for children after divorce or separation, however, is a moderate time albeit engaged involvement of the father.” He further claims without presenting evidence that “in sum one can justly say, that from the standpoint of attachment studies up to the age of five shared physical custody may pose risks to the development of a child.” (Salzgeber 2016: 43) The *Kinderrechtekommission des Deutschen Familiengerichtstags* (Commission on Childrens' Rights at the German Board of family courts) calls the shared physical custody even a „risky model“ and goes on to claim apodictically (without going into any explanation) that „from a child-centered view it can be ruled out as a standard model for parenting-plans.”(Kinderrechtskommission des deutschen Familiengerichtstags e.V. 2014: 1166). S. Walper and U. Lux put forward that „especially in a conflict afflicted parental relationship ... the chances of children to benefit from shared parenting are very slim”; unfortunately without furnishing

any proof of their claim (Walper and Lux 2016: 15). Finally K. Kostka muses that the “results of current international studies ... with their more refined methodology back the findings of older studies” according to which “shared physical custody poses a big challenge for parents and children and demands of parents a high degree of co-operation, communication, empathy, flexibility as well as the willingness to afford the ex-partner a new life.” (Kostka 2014a: 156; Kostka 2016: 36). The actual results of the current international studies, however, the author withholds from the reader.

Exclusion: Detachment from the global scientific debate

The international debate on shared parenting is fuelled by recent empirical studies that feature large comprehensive data-sets and that mainly conclude that on average shared-parenting benefits children after divorce and separation (compared to single-parenting). It is thus becoming increasingly difficult to ignore the empirical evidence as *best information available* even in the German debate that centers around the question of the best interest of the child in general and of very small children and of children in conflict situations in particular and is by and large shielded from the international discourse.

The following tables (1 and 2) provide a short overview of the main international publications on shared parenting and the wellbeing of children (in general) as well as shared parenting for very small children (in particular). The listed studies comprise an excerpt of the state of the art scientific contributions to the debate and have been assembled according to the following criteria: timeliness, scope of the empirical basis or scope of support by the scientific community, methodological rigour, and for literature reviews the quality criteria described in the preceding chapter.

Table 1 empirical studies on shared-parenting and the wellbeing of children

Year	Authors	Title	Journal	Empirical Basis
22009	E. Spruijt, V. Duindam	Joint Physical Custody in the Netherlands and the well-being of children	Journal of Divorce and Remarriage	3,561 children and adolescents
22010	T. Bjarnason et al.	Life Satisfaction among children in different family structures: A comparative Study of Western societies	Children and Society	184,496 children and adolescents
22011	L. Nielsen	Shared Parenting after divorce: A review of Shared Parenting Research	Journal of Divorce and Remarriage	Review of the literature
22013	M. Bergström et al.	Living in two homes – a Swedish national survey of well-being in 12 and 15 year olds with joint physical custody	BMC Public Health	164,580 children and adolescents
22014	M. Bergström et al.	Mental health in Swedish children living in joint physical custody and their parents' life satisfaction: A cross-sectional study	Scandinavian Journal of Psychology	1,297 children and adolescents

22015	L. Nielsen	Shared Physical Custody: Does it benefit most children?	Journal of the American Academy of Matrimonial Lawyers	Review of the literature
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Source: Author.

Table 2 Studies on overnighting of small children with their fathers (excerpt)

Year	Authors	Title	Journal	Empirical Basis
22013	I.W. Sandler et al.	Relations of Parenting Quality, Interparental Conflict, and Overnights with Mental Health Problems of Children in Divorcing Families with High Legal Conflict	Journal of Family Psychology	141 children and adolescents
22014	R.A. Warshak	Social Science and Parenting Plans for Young Children: A Consensus Report	Psychology, Public Policy and Law	Consensus Report
22015	L. Nielsen	Shared Physical Custody: Does it Benefit Most Children?	Journal of the American Academy of Matrimonial Lawyers	Review of the literature
22016	E. Fransson et al.	Why should they live more with one of us when they are children to us both: Parents' Motives for practicing equal joint physical custody for children aged 0 - 4	Children and Youth Services Review	46 parents of small children
22016	W.V. Fabricius and G.W. Suh	Should Infants and Toddlers Have Frequent Overnight Parenting Time with Fathers? The Policy Debate and New Data	Psychology, Public Policy and Law	230 students and their parents
22017	R.A. Warshak	Stemming the Tide of Misinformation: International Consensus on Shared Parenting and Overnighting	Journal of the American Academy of Matrimonial Lawyers	/

Source: Author.

In their most recent contributions on the debate on shared parenting J. Salzgeber and K. Kostka take none of the above listed publications into consideration. S. Walper considers at least some but almost completely ignores the international discourse on shared parenting of infant and toddlers. Of the publications listed in table 2, as far as they could be known at the time, she mentions not a single one. She resorts instead solely to the repudiated studies of Jennifer McIntosh et al. that were mentioned in the introduction (Kindler und Walper 2016: 822; Walper and Lux 2016: 11-12).

The omission of a sizeable part of the relevant literature necessarily slims the number of available sources. K. Kostka and J. Salzgeber consequently base their main arguments concerning shared-parenting and the well-being of children to a great extent on studies from the decade early 1980s to early 1990s that by now date back a generation. These older studies are only punctually supplemented by newer publications of low validity (compare the preceding chapter) (Kostka 2014a: 156; Kostka 2014b: 15; Kostka 2016: 36; Salzgeber 2016: 42).

One of these newer studies constitutes an interesting endeavour by a group of British scientists led by Jane Fortin dating back to 2012. By then the first broad international empirical studies on shared parenting and the well-being of children had been published that came almost unanimously to the conclusion that shared parenting benefited children after separation (Nielsen 2013; 61-72). The authors of the Fortin et al. study frankly describe it as politically motivated; as a response to the change in perception of shared-parenting (Fortin et al. 2012: X, XIX). The authors chose the somewhat unusual approach of trying to prove that single residence did not harm children. It has been reviewed and cited extensively in Germany by K. Kostka in her (near identical) contributions from 2014 and 2016 (Kostka 2014a: 149-151; Kostka 2016: 29-31).

The study is based on interviews of a core group of 114 young British adults of which a mere total of five had actually experienced shared parenting (Fortin et al. 2012: 10). It is informative that already in the 1990s the Stanford Child Custody Study (1984 – 1990), a longitudinal study on shared parenting, was based on a total of 1,124 families that were interviewed in great detail and whose life circumstances had been thoroughly evaluated (Maccoby et al. 1990; 141-152).

Despite the limited amount of data Fortin et al. come to broad conclusions. Among others that the amount of time spent together and the nature of contact do not play a significant role in determining the parent-child relationship and that obstruction of contact is a rare phenomenon (Fortin et al. 2012: XIII-XIV). The data itself, however, tells a different story:

- solely regular overnights at the non-resident parent's home seem to have an unambiguous positive effect on the parent-child-relationship (Fortin et al. 2012: p. 80, Table 6.11)
- sporadic and delayed contact to the non-resident father is highly correlated with an eventual termination of contact (causality not clear); this sadly proved to be the case independent of how strong and close the relationship was before separation (Fortin et al. 2012: 25, Table 2.17, 112, Table 7.21)
- around eight percent (of 270) of the resident parents (mainly mothers) obstructed contact to the other parent; in even 18 percent (of 270) of the cases contact was at least significantly delayed and a total of 36 percent (of 22) of the young adults interviewed in detail stated, that they terminated contact among others because the resident parent wished for them to do so (Fortin et al. 2012: 26, Tables 2.19-2.20, 34, Table 3.9)

The conclusions that the authors draw from the interviews stand in starkest contrast to the thoughts and beliefs of the young adults themselves (312) who stated that contact to the non-resident father was practically never too much and who to a great extent would have therefore wished (even if contact was already frequent) more time with him (Fortin et al. 2012: 69, Table 5.16). The longing

of the children for mother and father is described in detail in some of the transcribed interviews (Fortin et al. 2012: 151-156).

The Fortin et al. study is mentioned at length as an example of an empirically and methodologically weak descriptive paper whose content is in part contradictory and incoherent to say the least. It will most probably not receive much attention anywhere. In the German debate on shared parenting from which most of the renowned scientists are excluded, however, it was reviewed extensively and exploited as a counterargument to shared parenting.

Truthfulness - The numbers' game

While bias and exclusion are rather easy to identify as a strategy and violation of the presuppositions of an *ideal communicative act* the lack of truthfulness is more difficult to detect and attribute to discourse participants. The misrepresentation of figures is one of the more common instruments of misinformation that may actually be analysed and taken as a proxy for the truthfulness of contributors. Total and relative numbers if put out of context may be effectively presented to either belittle or magnify a development. The reader will not be surprised to learn that the numbers' game plays a role also in the German debate on shared parenting.

Proponents of the status-quo, the predominance of the single residence, do not tire to stress that shared parenting and shared physical custody play but a minor role when it comes to parenting plans after divorce and separation. They claim that even in countries where shared parenting is strongly supported by society only few parents actually practice it.

Sweden is one of several countries in which shared parenting is strongly anchored in the value system of society. But seemingly startling even in progressive Sweden the number of children who live in shared physical custody reach only four percent; in most of the other OECD countries this figure reaches a mere one percent (Salzgeber 2015: 2019). These percentage figures, however, only reflect the relevant fractions among a select group of 11, 13 and 15-year olds and relate to the entire national population of this age (Bjarnason and Arnasson 2011: 877). The relevant comparative figures (fraction of shared physical custody of all post separation custody arrangements) amount in Sweden to a stunning 60 percent, for Belgium to 33 percent and for the other Nordic countries to around 20 – 25 percent (Fransson et al 2016: 155).

One of the biggest OECD countries whose society supports shared parenting already for more than a decade is Australia. In down-under J. Salzgeber claims, the fraction of shared parenting arrangements has despite a custody law reform not significantly increased in the decade 2002 – 2013. It has purportedly risen only slowly from 9 to 16 percent (of all Australian children?), which constitutes in effect a percentage increase of a remarkable 78 percent (given the same basic population).

The number of court mandated shared parenting arrangements have in Australia allegedly even decreased from 2007 to 2011 (6 percent 2007 vs. 3 percent 2011). The reader is left guessing however of how the total number of shared parenting arrangement have developed in the same time span. After all, do the court mandated ones constitute but a fraction of all parenting arrangements (Salzgeber 2015: 2020). If the total number of shared parenting arrangements has tripled during the five years under consideration than 3 percent of the three-times higher amount would constitute a higher absolute number than 6 percent of the starting value.

In Australia attempts have also been made to establish a link between an increase of shared-parenting and the level of parental conflict. J. Salzgeber denies any positive effect of shared parenting on the conflict level. He bases his assessment on a comparison of the distribution of “cooperative”, “distant” and “conflictual” parents before and after the Australian custody law reform in 2006. The corresponding figures in 2006 amount to 51 percent (cooperative), 32 percent (distant) and 17 percent (conflictual), whereas the distribution is reported to have been 59 percent (cooperative), 19 percent (distant) and 21 percent (conflictual) in 2009 (Salzgeber 2016: 42). Even the alleged change in percentage points in the relatively short time-span of three years is remarkable, unless it is simply a manifestation of an already long-established trend. If this is the case or if changes have indeed been sparked by the custody law reform one does not learn, however. But even if the isolated time span of three years is indeed the right focus of attention the comparison of percentage point values is not the right measure. Rather the status quo ante (2006) should be taken as the basis for quantifying the changes; especially as the total number of separations is not reported. The corresponding relative changes (from 2006 onwards) amount to 16 percent more “co-operative” parents, 68 percent less “conflictual” parents and 24 percent more “distant” parents within a time-frame of three years. Not so bad for a custody law reform.

In Germany in 2016, major public media outlets coined the headline “50 percent of fathers do not support their children”. What had happened? In a study of the Bertelsmann Foundation the authors stated that around half of the ex-partners did not pay child-support to the resident parent (Lenze and Funke 2016: 10, 36). This result was based on a micro census on families in Germany that the economist B. Hartmann had already published in 2014. The data, that purposefully overrepresented poor households and single-parents provided the child-support-information exclusively for single-parent-households; explicitly not for all households which ought to receive it (Hartmann 2014: 5-7; Schröder et al. 2013: 4). How many children entitled to financial support by one of their parents live in single-parent-households had not been assessed.

B. Hartmann, therefore, posed already in 2014 the more relevant question of why child-support had not been paid (Hartmann 2012, 15). The authors of the Bertelsmann study merely

reiterate that same question in 2016. Two years after the original paper had been published they have not taken the trouble to search for answers, although the Hartmann study had delivered already interesting hints (Lenze and Funke 2016: 36). The author established that child-support was strongly correlated to the income of the resident parent. Those with higher income also received higher transfer payments (Hartmann 2012: 12-13). If we assume that the income of the payer corresponds with the income of the receiver of transfer payments (e. g. because both are students) it is not unlikely that age, education or social strata play a significant role in determining whether child support is paid or not. It would further have been easy to determine the share of resident parents who were simply unable to claim child support from the non-resident parent because they did not know him or had claimed not to know him.

In light of the almost haphazard way numbers seem to be often interpreted one is tempted to add to the dictum of J. Salzgeber that a suitable research paper may always be found: It may also be fabricated.

Resume

The debate on shared parenting after separation in Germany is in dire need of higher quality standards that ensure that the basic and most pragmatic norms of an ethical discourse are met. Only a truly deliberative democracy ensures that the best information available will inform decision makers and produce a legal framework that actually codifies societal norms (Habermas 1996: 222-237). Some of the most cited contributions suffer shortcomings when it comes to comprehensiveness (inclusion) and objectivity (truthfulness). Higher Quality empirical analysis in English but also in German is readily available. This high-quality literature ought to be brought to the attention of decision makers in politics and law who on their part need to display a certain willingness to consider it.

To this end the decision makers need to be equipped with easily comprehensible criteria by which they can discern science from advocacy.

For this is not difficult. In most cases four questions suffice:

- Coherence: are central claims of the authors backed by a coherent set of arguments?
- Completeness: do the authors cite the key publications on shared parenting listed in tables 1 and/or 2 of this article?
- Comprehensibility: is the base of trends and relative figures given and do the authors distinguish between percentage points and percent (25 percent – 50 percent → increase of 25 percentage points but an increase of 100 percent)
- Validity: are the authors experts in the field of shared parenting and independent researchers who deliver a piece of genuine scientific work?

The opposite of an open and fruitful debate on shared parenting would be a small quasi-cartel of opinion leaders who succeed in establishing and entrenching a low-level separate German discourse. The German Federal Ministry of Family, Elderly, Women and Youths (BMFSFJ) is presently experiencing how counterproductive it can be to neglect high quality international scientific work. It has commissioned a German study on the well-being of children in separated families (so called PETRA study) that from the outset has been heavily criticized. The resistance against the study is mainly founded in the believe of many societal forces that scientific studies are per se instruments of advocacy.

To remedy this widespread perception a first step should be to task a committee of enquiry for example of the German Research Foundation (DFG) with evaluating the quality of the scientific debate on shared parenting in Germany and to produce an easy to handle quality check list for political and legal decision-makers.

Just how difficult the distinction between science and advocacy often is can be seen from a passage in a recent publication of S. Walper and U. Lux. The authors cite a study of the distinguished US American child psychologists Sandler, Wheeler and Braver on shared parenting. Walper and Lux claim, that Sandler et al. showed that children with separated parents profited from overnights with the non-resident father only if he possessed good parenting skills and was therefore able to compensate for the absence of the mother (Walper and Lux 2016: 15). What Sandler et al. indeed found out was actually the other way round. They concluded that children may only profit from the high-quality parenting of either mother or father if they do spend a substantial number of overnights with each of them. They therefore called for a distribution of overnight-time as equal as possible between both parents as the norm (Sandler et al. 2013: 922).

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