Pamela Hölbling: Wie viel Staat vertragen Eltern? Systematische Entfaltung eines gestuften Maßnahmenkonzepts vor dem Hintergrund des Eltergrundrechts

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The law and economics of family, children and children's well being is by now a well established field, notably Peggy Brinig has done much to consolidate the field.

But this work has been ignored at the law faculty in Bochum if this 2009 dissertation by Pamela Hölbling can be used as a yardstick.

Traditionally, parental rights have been strongly protected by Article 6 GG against state intervention. Recent cases of massive child neglect which have been widely covered in the press¹ are taken as a reason to investigate possibilities of state intervention on their behalf.

Since the author is unaware of economic reasoning, she cannot weigh the costs and benefits of state intervention into family life.

At least, she could have discussed the principle of subsidiarity in order to determine which level of government would be more appropriate to intervene.

However, she uses it only to determine that the state can only intervene if all else fails, i.e. the family cannot be encouraged to redress the situation (p. 154).

How long can such self-centered German jurisprudence continue in a European context?

¹ In fact, just three such cases (Kevin, Jessica, Lea-Sophie) serve to justify the dissertation.