

In the forty years between 1880 and 1920, the presumption that divorced and separated fathers in normal circumstances should be granted the custody of their children was changed in all Western countries that permitted divorce. New laws were passed that soon gave way to the almost certain award of child custody to mothers. This book, a study of that change in presumption of custody, addresses two fundamental questions. The first, straightforwardly empirical, is: Why has a shift of that magnitude and importance been lost to the public memory in less than a hundred years? The second is more abstract: Why did the dominant group, the fathers, cede rights to the mothers without duress — indeed, without concerted political or collective action of any kind? Prior attempts to account for the change in custody failed because they underestimated the role played by the state in each instance, and ignored the class character of divorce of the period. Friedman's own account begins by examining the considerable pressures brought to bear by rapidly rising divorce rates in England, France, and the United States. Maternal custody arose as a by-product of the state's concerns about the potential for a vastly increased welfare burden imposed by financially dependent women following divorce. During the transition, responsibility for children's welfare was diffused, with mothers becoming responsible for nurture, fathers for financial support, and states for schooling. Ultimately this led to a structure of indifference, with striking consequences for the welfare of children after divorce.

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