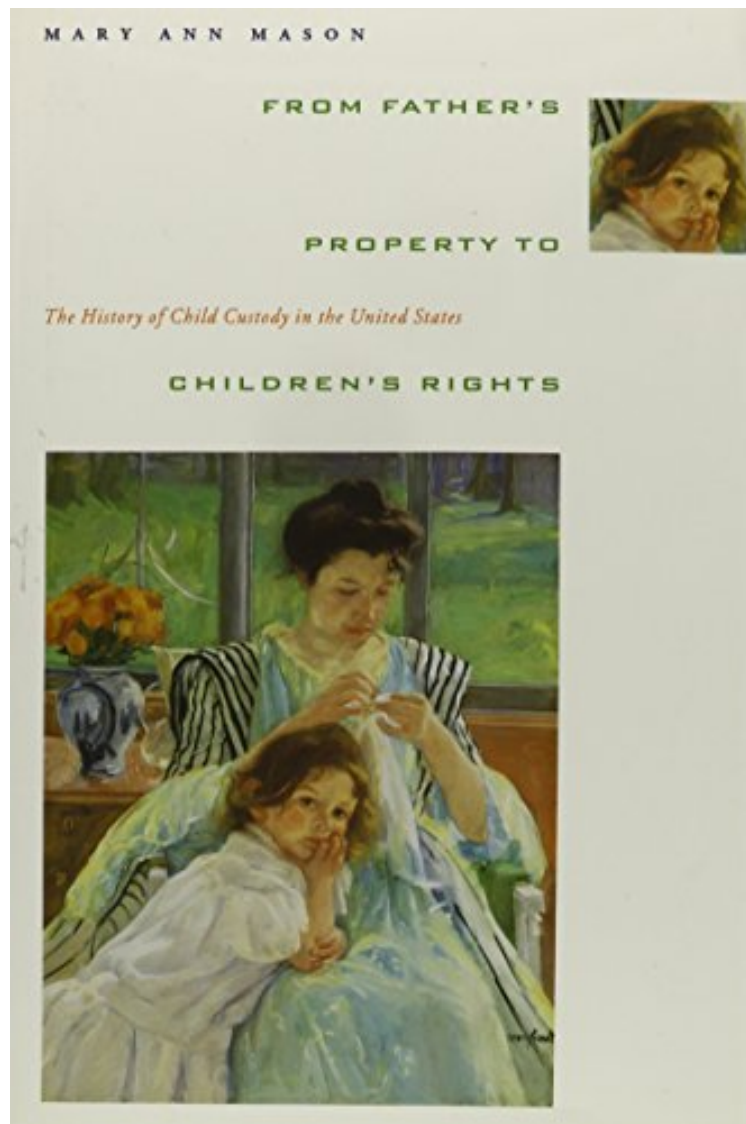


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From Father's Property to Children's Rights: The History of Child Custody in the United States

Mary Ann Mason

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Mary Ann Mason : From Father's Property to Children's Rights: The History of Child Custody in the United States before purchasing it in order to gauge whether or not it would be worth my time, and all praised From Father's Property to Children's Rights: The History of Child Custody in the United States:

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in a research class in the college. It was illustrative and the acquisition was worthily. 5 of 10 people found the following review helpful. Excellent Research Flawed Conclusions By A Customer Mason covers the history of legal custody with the exacting detail of a trained scholar. However, her conclusion that the "best interest of the child," is best served without regard for the best best interest of the parent will give an entire new generation of judiciary the opportunity to vacate parent's civil rights in favor of their children and the state. Her idea of giving each child in a divorce their own legal representation will most certainly serve the best interests of attorneys everywhere, while leaving middle-class parents penniless in their pursuit of justice. For legal education and precedent this book rates a 10. For the long-term health of civilization, it deserves a 0.8 of 12 people found the following review helpful. custody tends to be economically based By A Customer This book is fair and comprehensive and, thankfully, free of feminist cant and propoganda. I learned much even though I know the material fairly well. My major insight was that custody has always been based on finding someone who will support the child, indentured servant or divorced wife and protect the State from having to pay. The change from father custody to mother custody has forced the State to become increasingly effective at requiring the parent with money to give the money to the other parent, allowing custody to be given to the less economically viable parent.

The recent exponential increase in the number of custody disputes due to divorce, adoption, surrogate motherhood, and artificial insemination makes child custody one of the most hotly debated issues in America today. From *Fathers' Property to Children's Rights* seeks to clarify fundamental questions about the rights of children and parents in our society through a unique and provocative analysis of child custody in the United States from colonial times to the present. The book gracefully combines historical and legal scholarship in an unusually rich perspective on the history of children and their parents. Mason consistently draws on this history to illuminate contemporary issues - the current emphasis on biological parenthood, the proliferation of reproductive technologies, and the growing use and misuse of the social sciences. The author presents crucial periods of change in social attitudes and the law regarding child custody: the adaptation of English common law in the colonial period, the move toward maternal preference and child welfare in the early twentieth century, the advent in the 1970s of no-fault divorce and joint custody, and the growing influence of the social sciences, especially psychology, in contemporary custody disputes. Mason connects these transformations to the changing status of women with respect to culture, law, and politics. In the nineteenth century the political crusade for women's property rights and the cult of motherhood favored the woman in custody battles. In our time Mason shows that the move away from maternal preference toward equal custodial rights was promoted by feminists' struggle for equal political rights and a new theory of equal parenting supported by social scientists. Based on extensive research in case law, legislation, and social history, Mason's timely analysis of current child custody issues is a must for professionals as well as for those interested in family and social history, legal and women's studies, and c

Shows that attention to child welfare today is not as consistent as we might assume. [Mason's] evidence reveals a system struggling to find a clear path through conflicting political and social interests while the best interests of the child are often ignored.... But what are the best interests of the child? How should courts proceed when children's interests conflict with those of their parents or even of the state?... Such questions become intractable in a society that has lost all consensus on what family, parenthood, and childhood mean. Mason has no easy answers, but her history of custody law holds a mirror up to a society that sorely needs to look honestly at its treatment of children. (Boston Book) From the Back Cover The recent exponential increase in the number of custody disputes due to divorce, adoption, surrogate motherhood, and artificial insemination makes child custody one of the most hotly debated issues in America today. From *Fathers' Property to Children's Rights* seeks to clarify fundamental questions about the rights of children and parents in our society through a unique and provocative analysis of child custody in the United States from colonial times to the present. The book gracefully combines historical and legal scholarship in an unusually rich perspective on the history of children and their parents. Mason consistently draws on this history to illuminate contemporary issues - the current emphasis on biological parenthood, the proliferation of reproductive technologies, and the growing use and misuse of the social sciences. The author presents crucial periods of change in social attitudes and the law regarding child custody: the adaptation of English common law in the colonial period, the move toward maternal preference and child welfare in the early twentieth century, the advent in the 1970s of no-fault divorce and joint custody, and the growing influence of the social sciences, especially psychology, in contemporary custody disputes. Mason connects these transformations to the changing status of women with respect to culture, law, and politics. In the nineteenth century the political crusade for women's property rights and the cult of motherhood favored the woman in custody battles. In our time Mason shows that the move away from maternal preference toward equal custodial rights was promoted by feminists' struggle for equal political rights and a new theory of equal parenting supported by social scientists. Based on extensive research in case law, legislation, and social history, Mason's timely analysis of current child custody issues is a must for professionals as well as for those interested in family and social history, legal and women's studies, and child welfare in America. About the Author Mary Ann Mason

is Associate Professor of Law and Social Welfare at the School of Social Welfare, University of California, Berkeley. She is the author of *The Equality Trap*, coauthor of *Why Kids Lie*, and coeditor of *Debating Children's Lives: Current Controversies on Children and Adolescents*.