

suggests that women must struggle to write with clarity and tenacity of their authentic lives. This is why her book is so important.

Child Custody, Law, and Women's Work

Susan B. Boyd
Don Mills, ON: Oxford University Press, 2003

Reviewed by Sherri Goldstein Cash

In *Child Custody, Law, and Women's Work*, legal scholar Susan B. Boyd traces the history of Canadian child custody law, exploding the myth that courts favour mothers in custody decisions. Historically held to a higher standard of morality than men, and with female nurturing and domestic work undervalued, if not invisible, mothers are highly vulnerable to losing custody in cases that go to court. Moreover, Boyd argues that the contemporary principle of gender neutrality in custody law is detrimental to women because it fails to recognize the ways that childcare work is deeply gendered. She demonstrates that dominant notions of gender as well as class, sexuality, cultural difference, race, and disability shape mothers' chances of maintaining custody of their children. By extension, Boyd's focus on child custody law illuminates wider issues of power, gender, and work in the family, the legal system, and society.

Drawing on important court cases, legislation, and official reports, Boyd's historical account opens in the nineteenth century, when the exclusive paternal right to custody began to erode with an argument that young children should reside with the mother. A major legal shift began in the 1970s with the women's movement and a "father's revolution," influences that made gender neutrality a principle of custody law. The result has been "joint custody" or "shared parenting." In ignoring parents' gender, however, judges have also ignored the sexual division of labour in the family before divorce, thereby rendering invisible mothers' roles as primary childcare providers, as well as the emotional and psychological consequences mothers and children experience when patterns of primary care are significantly altered. Concurrently, the court's attempt to maximize children's contact with fathers has resulted in blindness to fathers' abuse of mothers, as well as to allegations of paternal child abuse. Overall, Boyd contests claims of maternal bias in the courts, demonstrating that fathers who petition for custody have done "quite well."

Yet, there have been some recent "promising signs" for mothers, notably the emergence of a presumption that primary caregivers should maintain custody "unless proven unfit." While Boyd admits that this presumption is problematic, she concludes that currently it is beneficial for mothers and children. In advocating this view, Boyd's argument seems to revive the

historical debate among feminists as to whether women are most benefited by gender-blind notions of equality or by policies and programmes that recognize gender difference.

Boyd's work is largely accessible, informative, and convincing. Her discussion of the ways that class, sexuality, cultural difference, race, and disability, as well as gender enter into court decisions is particularly noteworthy, especially in the section "How Many Ways Could Mothers Lose Custody?" However, her narrative might be fortified in some ways. Specific rather than vague references to "fathers' rights groups" would be useful. The argument would also benefit from elaboration of the important evidence she cites about the suffering mothers and children experience under custody arrangements that constrain maternal contact and power. Definitions of basic relevant legal terminology would also be helpful. But these minor weaknesses do not diminish the important contribution Boyd makes with this book. Scholars, students, feminists, and others interested in the history and sociology of the family, gender, and the law will find Boyd's work crucial reading.