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By SUSAN DOMINUS (NYT)

Robert Mnookin, director of the **Harvard Negotiation Research Project** and a professor at **Harvard Law School**, is the rare expert who concedes that each side has legitimate concerns. A presumption of joint physical custody would have “some nice symbolic attributes,” he told me; but he worries about how it would play out in practice. He notes that the parents whose custody negotiations end up going all the way to court tend to be the parents who fight the most. In those cases, he argues, forcing judges to implement joint physical custody is a bad idea for the kids, since it only perpetuates their exposure to the conflict. He contends, however, that if divorced parents know that a judge is disinclined to award joint physical custody in circumstances with a high degree of conflict, it creates an incentive for a parent who wants sole custody to create conflict. Mnookin says he doesn't favor the presumption of joint physical custody, although he concedes that without one, the system gives mothers an advantage. “In times of cultural transition like this,” he said, “the law struggles.”

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