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Vallgård, Karen Asta Arnfred; Bjerre, Cecilie

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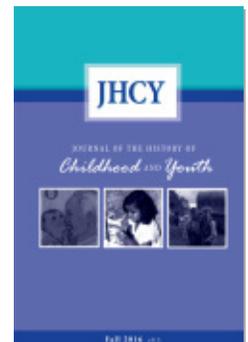
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Karen Vallgård, Cecilie Bjerre

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KAREN VALLGÅRDA AND CECILIE BJERRE

CHILDHOOD, DIVORCE, AND EMOTIONS: DANISH CUSTODY AND VISITATION RIGHTS BATTLES IN THE 1920S

In June 1924 a Danish cleaning lady named Anne Nygaard¹ sent a letter to the office of public administration in Copenhagen pleading with the authorities to help her get back her two-year-old son, Lars. At the time of the legal separation from her husband, chauffeur Peter Nygaard, a few months earlier, it had been decided that she would keep their infant daughter, Elin, as well as her own daughter Sarah (born out of wedlock), while Peter would take Lars with him. However, Anne had not foreseen the rather severe consequences of agreeing to this arrangement:

I would now ask [the state officer] if I can have my little boy I have been sick because I lost him, and can [the state officer] not help me get him, when I was separated I could not respond when my husband said he wanted our boy. I could not imagine back then my husband would take such a serious step as to separate the children and have asked my husband to move back home again, but that he doesn't want to and I do not want to be separated from my little boy and now ask [the state officer] to help me get my boy back. I cannot do without him for anything in the world.²

Anne Nygaard was one of a growing number of parents who initiated custody or visitation rights cases in Denmark during the 1920s, following a major family law reform in 1922. While some of these cases were settled in court, the great majority were granted by administrative decree in the offices of public administration, which handled cases of separation, divorce, custody, visitation rights, alimony, adoption, and other matters related to family law.

Denmark and the other Scandinavian countries had liberalized access to separation and divorce long before North America and other European countries. During the nineteenth century, an administrative practice developed that made it possible to attain separation on the basis solely of the "incompatibility

of tempers" (*Gemytternes Uloverensstemmelse*).³ In 1922 this no-fault principle was encoded in the law. Other European countries, such as Great Britain, France, Italy, and Germany only introduced no-fault divorce decades later.⁴ During the 1920s there were between approximately forty-five and eighty-five divorces per one thousand marriages in Denmark, with a somewhat higher separation rate. These numbers covered significant variations across rural and urban areas, and divorce was generally much more common in the capital than anywhere else in the country.⁵ Hence, fights over custody and visitation rights occurred with relatively high frequency in Copenhagen. Whereas before 1922 the father automatically held custody rights over the children conceived within the marriage, after the reform the parents by default shared the custody of their children as long as they remained married. In case of separation or divorce, however, only one parent could retain custody.⁶

Much as today, failure among parents to agree on the distribution of their children at separation regularly resulted in bitter battles with mutual accusations that the authorities had to evaluate. Because such cases often involved allegations of alcoholism, abuse, neglect, and even incest, emotions often played a crucial role in the processes. The cases recall Lila Abu-Lughod and Catherine Lutz's important point that emotion "serves as an operator in a contentious field of social activity . . . [which] can serve as an idiom for communicating, not even necessarily about feelings but about such diverse matters as social conflict, gender roles or the nature of the ideal or deviant person."⁷

Keeping this in mind, in this article we examine the emotions in the custody and visitation rights cases by tracking the "emotional practices" of parents, children, and other people involved in the familial conflicts.⁸ Rather than interior, disembodied properties, Monique Scheer has argued, emotions can be understood as "acts executed by a mindful body, as cultural practices."⁹ Emotional practices are always contingent upon the social conventions that have over time become embodied in the individual, as well as on the specific socio-material setting and the acting person's position within that setting. Such emotional practices can be more or less calculated, and they might serve as "emotives," evoking, changing, or delimiting particular feelings either in oneself or in others.¹⁰ In this perspective, it becomes less interesting to evaluate the authenticity of particular emotional expressions than to explore how emotional practices affect a particular situation, and how they reflect and help produce specific social identities.

In their letters as well as in their statements to officials and police officers, petitioners reported, performed, and sought to kindle as well as to curtail or redirect emotions in ways they deemed useful for their cases. Anne, for example,

emphasized in her testimony how she had become “sick” with longing for her son Lars, thus not only voicing her own tender feelings for her son, but also seeking to evoke the sympathy of the officials. In this manner, emotional practices became an important vehicle for shaping the battle and affecting its outcome.

The custody and visitation rights case files from the office of public administration in Copenhagen constitute a tremendously rich historical source. While much historical work has focused on the changing “emotionologies”¹¹ of education and child-rearing, historians of childhood often face insurmountable challenges in trying to identify the ideals and practices of parents—let alone children—who do not belong to the educated elite.¹² The custody and visitation rights cases examined here, however, involve families from all layers of society, with a majority coming from poor and working-class families. They also entail the perspectives of different types of actors: They usually contain letters from one or both parents, minutes from mediation meetings, and notes taken by the officials during or after the meetings, as well as the original separation and or divorce case and notes on decisions regarding alimony. Quite often, they also include a police report with witness accounts from family, friends, neighbors, and other people somehow related to one or both parents. As they sought to convince the officials of their own abilities as parents (or of the inadequacies of the other parent), petitioners also frequently quoted their children, described their behavior, or asked them to write letters to the authorities. In a small number of cases, older children and adolescents were even brought into the office of public administration to give testimony. Thus, while the files must necessarily be read with the context of conflict and manipulation in mind, they offer a rare insight not only into the procedures of the state authorities, but also into the practices of both parents and children from different layers of society in the process of family breakup.¹³

Tracing the story of the Nygaards’ custody battle and drawing on similar cases from the office of public administration in Copenhagen, this article shows the centrality of emotions as dynamic components in the dense social field of familial conflicts played out inside and outside the offices of the state. The ways in which petitioners practiced emotions reveal a great deal not only about how they viewed desirable childhood and good parenthood, but also about their struggle to align their behavior to these ideals. As key parts of the negotiation strategies, emotional practices not only reflected, but also helped to delineate the boundaries of gender, class, and age.

DIVERGING FROM THE SCRIPTS OF HAPPINESS

In her attempt to get back her son, Anne Nygaard asserted that she was willing to resume marital life with Peter, while at the same time she indicated that

her husband was to blame for the breakdown of their marriage: "I have not had a good husband. He has gone to dances and parties without me and the children."¹⁴ While she had been a diligent, loving mother, she suggested, Peter's behavior had been immoral and contrary to the interests of the family. By drawing this image of her and her husband, she signaled her own willingness and ability to accord with prevailing norms for family life and domestic arrangements. Emphasizing the emotional aspect, she later asked the office of public administration to help her "make our little home happy again."¹⁵

Even though divorce was both easier to attain and more common in Denmark than in most other countries in Western Europe and North America, the nuclear family unit remained a cornerstone in the emerging Danish welfare state.¹⁶ Some first-wave feminists and cultural radicals questioned the idea of lifelong marriage, but this way of organizing one's life was still the standard in most layers of society.¹⁷ Indeed, raising children in a heterosexual nuclear family was a crucial part of what Sara Ahmed might call a dominant "happiness script" in Danish society. "Happiness scripts," Ahmed argues, define for people a certain life path and a set of objects deemed to bring about happiness, both their own and that of others. People are expected to pursue happiness by staying on this path and by striving to attain these objects, thereby helping to secure a specific social order and the attendant relationships of power. Failing in the "happiness duty," Ahmed suggests, brings about severe social sanctions from one's surroundings.¹⁸

However, as historians of emotion have shown, the ideal of happiness has been promoted with varying levels of strength at different times and places.¹⁹ Certainly, when it comes to childhood, the happiness norm is a historically specific phenomenon related among other things to the emergence of leisure, free play, and consumer culture.²⁰ In the Western world, the norm gained considerable strength in the early twentieth century. As Peter Stearns has noted in the context of the United States, "childhood happiness, in principle at least, exploded in the 1920s, with some preliminary approaches in the previous decade." Child-rearing manuals in this period, Stearns points out, burgeoned with advice on how to make children happy, and new cultural initiatives aimed at promoting children's happiness. As happiness was increasingly projected as a part of a good and normal childhood, parenthood also came to involve the obligation to secure one's child's happiness.²¹

While this has not yet been systematically explored in the Danish context, there is much to suggest that a similar development affected ideals of childhood and parenthood in middle-class Denmark.²² Importantly, notions of good childhood were intricately tied to the idea of "the happy home," defined by the

nuclear family. The most widely read Danish etiquette expert, Emma Gad, for example, emphasized the importance of the unbroken home to childhood happiness and made it clear that responsibility rested upon parents to ensure this.

In Gad's view, divorced parents ought never to forget that by breaking their marriage they have incurred a responsibility towards their children. To have grown up in a happy and harmonious home where husband and wife love and honor one another and let the good spirit of the home affect the children through loving words and a joyous temper, is perhaps the greatest gift of happiness to take into life and later the best inheritance to have been given.²³

By seeking to evoke guilt in parents who had divorced, Gad reinforced the idea of the happy nuclear family as the only truly acceptable way to arrange one's life. Separation, then, was not just a manifestation of the rupture of harmonious relations at the level of the individual couple; by undermining the notion of marriage as unbreakable it also constituted a threat to a socially sanctioned path of happiness.

A risk associated with this norm violation was losing contact with one's children. The law specified that "if it has been established that one of the parents predominantly *carries the guilt* for the dissolution of marital cohabitation, and if both are judged equally able to raise the children, the other parent should be given priority with regards to the custody of the children."²⁴ Thus while suitability for parenthood was important, guilt, conceived as an almost physical property of a person's character, still played a role in relation to divorce and custody. There was potential, in other words, for a rather harsh social sanction associated with diverging from living up to the (usually gendered) expectations of marital conduct that formed part of the dominant happiness script.

As the next sections make clear, the custody and visitation rights cases from the office of public administration reveal that even though many marriage breakups were so-called no-fault divorces, guilt still played a decisive role, and attempting to allocate guilt and sow doubts about their opponents' moral and emotional habitus was a recurrent strategy on the part of parents fighting for custody and visitation rights. At the same time, parents sought to demonstrate their parental affection in socially valorized ways.

GENDERED MORALITY AND PARENTAL AFFECTION

In spite of the fact that Anne was willing to restore her marriage, her initial plea to the office of public administration was declined. Her husband, Peter, was apparently not interested in reuniting. He also refused to relinquish custody, and according to the state officers' notes, the first meeting between the former spouses disclosed nothing to suggest that living with his father was in any way

harmful to Lars. Nor had Anne on this occasion expressed any reservations about Peter's skills as a father. The law stated that parental rights entailed the duty to "give the child shelter, nourishment, clothes, light, warmth, education, religious and moral education and further [formal] education after the end of schooling."²⁵ Since Peter seemed to live up to these standards, the office of public administration saw no reason to change the status quo. This was a rather typical trajectory; our sample of custody cases from the 1920s indicates that while visitation rights were frequently changed, the authorities by and large favored stability in custody arrangements.²⁶ Once a parent had been given custody, the other parent had to make a very strong case to win it back, or better yet, manage to persuade their opponent to voluntarily give it up.²⁷

But Anne did not easily surrender. Receiving the letter of rejection, she continued the fight by stressing once again the strong emotional bond between her and her son. In a somewhat helpless script that conveyed her limited education, she wrote:

"I can't sleep or eat and I am constantly losing weight, the doctor said it was sad for [*Synd for*] a mother who loved her child thus and now I can inform the doctor that I received a no. But I hope [the state officer] will ask God and give me my son, whom I hold dear and have suffered for. My husband has not let me see him. [State officer] give me my son. Imagine that a mother should suffer thus for her child."²⁸

By detailing how she had become sick from dispossessed maternal love, Anne presumably sought to show that she lived up to dominant notions of female behavior and identity. Linda Gordon's point that "women's lives were inextricably involved with children, their identities and claim to respect strongly founded on motherhood," also holds true for the Danish context.²⁹ The mother-child relationship was celebrated as the most intimate of relationships, the tenderest of ties, and being a good woman meant loving one's children dearly.³⁰

However, the practice of maternal love had to strike a fine balance between unfeeling neglect and an overindulgent, almost unnatural kind of love. One should love one's child neither too little nor too much. In his widely read child-rearing manual from 1916, the Danish doctor Svern Monrad expressed concern about the effects of overindulgence on children, pointing out that an only child was especially vulnerable to overindulgence. Indeed, the child itself could love too much: "The often quite exaggerated love with which the child embraces its parents may sometimes acquire an almost pathological character."³¹ Lavish love could, in short, be a highly problematic quality in parent-child relationships, and if they violated the social codes of emotional behavior, children as well as adults might be deemed deviant.

In his study of parenting manuals from nineteenth-century Western Europe and North America, Uffa Jensen similarly notes that on the one hand, harsh educative methods might be under critique, but on the other hand, "excessive love was considered dangerous for children."³² To exercise the right kind of measured and educative love, Jensen argues, could be an anxiety-provoking challenge for parents.

Being able to handle one's emotions with restraint was, moreover, a clear sign of cultivation, and hence something that helped characterize social class. When in 1939 Norbert Elias published his *Über den Prozeß der Zivilisation (The Civilizing Process)*, tying the ability and desire to control one's passions to civilizational progress, he was in fact voicing an understanding that other observers had earlier made on a smaller scale. By the late nineteenth century, authors of advice manuals argued that polite emotional behavior was a marker of refinement, both on a national and on an individual level.³³

Precisely because Anne seemed to lack the emotional restraint that characterized civilized conduct, she risked categorizing herself as emotionally unstable and perhaps also uncultured. While the state officers did not explicitly say that her emotional behavior would be harmful to her son, they noted in their records that Anne both in person and in writing had made "the impression of being in a strongly depressed and overly nervous state of mind."³⁴ Once again, they turned down her request to regain custody, but it was decided that she should be allowed to see Lars every Wednesday evening as well as every other Saturday to Sunday.³⁵

While Anne was seen as being too emotional, showing a lack of interest in one's children was equally compromising, particularly for mothers. Fathers and other witnesses frequently targeted mothers for being uncaring, reckless, or inattentive towards their children.³⁶ One man, who at the separation from his wife had attained custody of both of their children, repeatedly resisted the mother's attempts to see them, arguing that the children themselves had an aversion to spending time with her: "When they are with her," he stated, "they feel like they are redundant anyway, and that she does not feel for them the great love, which they might claim from their mother."³⁷ Instead of actually spending time with her children, the father claimed, his former wife would drag her son to various department stores to look at dresses or she would talk on the phone with many different gentlemen, despite the fact that she was now remarried.

As in this instance, mothers' supposed lack of proper love for their children was often more or less directly tied to what was deemed immoral behavior. According to their former spouses, instead of being at home at night, caring for their children, these wayward women went to balls and parties and entertained

several lovers. In such cases, questions of guilt, practices of shaming, and parental love entered into complex relationships. One separated mother, for example, was accused of bringing her daughter to bars and pubs and sending her home when she met with her boyfriends. This woman, whose "immoral conduct" (she had even infected her husband with gonorrhea, which she had contracted through an extramarital affair) had been the cause of her marital breakdown, was accused of being an unworthy mother. Her husband had obtained a restraining order against her, and she found little support at the office of public administration when she tried to reestablish contact with her daughter. She was permitted to see her at her former husband's house and under his supervision, but under no circumstances could she take her child to her own home or spend time alone with her. According to the case officer, her former husband had explained, "The wife's moral conduct, in his opinion, is such that the mother cannot be allowed to be with the child without posing a danger to the child."³⁸ The state officials as well as the witnesses called to testify in the case seemed to agree that "a woman like [her], who has left her child, and has gone to be with her lover should not have the right to be alone with her child."³⁹ In this manner, a woman's ability to care for her children, as well as the nature of her maternal love, helped to define her moral habitus. Indecent behavior certainly made a mother a bad role model, but the very fact that her desires were misdirected also revealed her incapacity to feel in appropriate ways.

As this suggests, the morality of parental feelings was dependent on class privilege and gender. Ideas about gender informed emotional prescriptions and proscriptions, just as the manner in which one showed one's feelings helped define one's gender identity.⁴⁰ While the strong ideal of maternal love often left women particularly vulnerable to accusations of failure in this department, both fathers and mothers involved in custody and visitation rights cases were keen to present themselves as loving and caring parents. Along these lines, men and women were expected to demonstrate their parental feelings in different ways.

For fathers, providing economically for one's children, rather than idly leaving this task to others or drinking up all of the money, was a crucial way to prove not only one's moral accountability, but also the depth of one's affection.⁴¹ Failing to act as a responsible breadwinner was therefore particularly injurious to men who wished to gain or retain custody of or visitation rights to their children.⁴² Conversely, one alcoholic father's insistence on paying alimony to his child, despite the fact that the mother had asked that he keep his money to himself and give up his battle to see his son, was taken as a sign of his tender paternal feelings. The case officer noted that this indicated "that he really cares for the child."⁴³

Ensuring the economic security of the child was not the only thing fathers did to prove their emotional investment, however; many also demonstrated their affection in ways that suggest intimate involvement in the daily lives of the children.⁴⁴ One father who contacted the office of public administration in order to get visitation rights to his three-year-old son, for example, voiced anxiety that his absence caused his little son's serious deprivation:

Admittedly he gets food and cleanliness, but beyond that, not much is done for him, he is not allowed to move about and toddle around in the living rooms and he does not get out into the air much, I dare say . . . because when we were married, I was the one who took the most care of him, and who went outside with [him], which is not to say that my wife was a homebody, on the contrary, but her trips with the boy were usually limited to a ride on the tram with the boy to her parents' place and then back again.⁴⁵

Representing himself as an attentive and caring father, and his separated wife as inadequate, this father, and others like him, showed sensitivity to and helped stimulate a growing ideal of tender fatherhood.⁴⁶

The mother of the child did not quite agree with the father's rendering of the familial relationships, however. In fact, she said, her former husband got his role as a father all wrong:

My husband is far too unstable and has much too little of an understanding of how to handle children for me to dare to entrust the child to him outside my home. In order to tease me he has, for example, let the child smoke his pipe, even though he has been told by both me and my father and by others that he cannot act thus with a little child.⁴⁷

The mother supplemented this description of the father's irresponsible, even infantile, behavior towards the child with an assertion that his affection for the boy was hardly very deeply felt, since he failed to pay alimony. In this case, the mother seems to have effectively undermined the father's attempt to win the respect and empathy of the state officials. The father was granted the right to visit his son every Thursday from 3 pm to 5 pm at the boy's residence, but his request to have him during the holidays was rejected.⁴⁸

As all of these cases illustrate, displaying the proper moral and emotional habitus was crucial to parents involved in custody and visitation rights battles, but navigating cultural expectations of appropriate emotional conduct was not a straightforward task. Not only was success and failure in the expression of parental affection integral to one's moral performance more generally, but it was also tied to gender as well as to social and economic resources to which not everyone had access.

CHILDREN'S AGENCY AND EMOTIONAL COMFORT

Even though Peter had managed to retain custody of Lars, he was not content with the arrangements with his former wife, and in August 1924 he asked the office of public administration to rescind Anne's visitation right. Calling attention to the emotional welfare of his son (and portraying himself as a tender and caring father), he argued that the regular visits to his mother were harmful to Lars:

Since the psychic [*sjælelige*] state of the boy suffers greatly thereby; he cries when I bring him [to his mother] and he cries when I come to pick him up; and since he cannot sleep at night when he has been out there either, I respectfully appeal to the state officer that I may provisionally be liberated from the obligation [to bring the child to his mother].⁴⁹

Anne did not contest Peter's description of Lars's unhappiness at the handing-over situations, but she asserted that the child cried because he "was miserable of longing for her and because [he] was parting with her."⁵⁰

Faced with these divergent interpretations of Lars's emotional behavior, the officials were in doubt as to how to decide the case. While they reckoned that the police would hardly be able to ascertain the cause of Lars's emotional reactions, they nevertheless requested a police report on the matter in order to be able to make a more informed decision.⁵¹

Interrogated by the police, Peter repeated his version of the story, adding that he had no doubt Lars would not long for his mother if the contact between them was severed completely. Instead, Peter's sister, Marie, would act as a substitute mother to the boy. To the police, Marie confirmed her brother's description of the situation, stressing that Lars was "nervous and unsettled" each time he had visited his mother, especially during the night when he would wake up after a couple of hours' sleep, screaming and crying for his father.⁵² While she did not think her nephew was nervous by nature, she worried that this regular agitation would over time make him into an emotionally unbalanced character.

Anne, on the other hand, maintained that Lars only cried when he was about to leave her because he longed for his mother and that, when his father brought him over, he didn't cry, but "on the contrary immediately runs toward her and shows great joy at the reunion with his mother." During his stay-overs at her place, she asserted, he was always happy and calm, and she was convinced that he would prefer to stay with her rather than his father. She also challenged Peter's self-presentation, arguing that it was hardly "love for the child that dictated his opposition to the visits in question, since when the spouses lived together he barely took care of the children," nor had he inquired

about their younger daughter, Elin, even once since the separation. Indeed, Anne alleged, Peter had said that he was sorry he had not gotten custody of both children, in which case he would have given Elin up for adoption so that he would only have to support one child.⁵³

By seeking to convey Lars's feelings with reference to his behavior, Peter, Anne, and Marie engaged in a practice common among parents and others involved in custody battles. In their letters as well as in their meetings at the office of public administration, parents frequently portrayed children's emotional agency. Many parents even quoted their children—with their statements singled out in quotation marks—thereby lending their evaluations of the children's feelings greater weight.⁵⁴

In doing this, the people involved in the battles—and the case officers who recorded their statements—helped to produce a valuable historical source. Due to power-inflected practices of recording, archiving, and preserving, the “young” and “small” of most places and historical periods have been more or less silenced. As Kristine Alexander has remarked, the absence of children's voices reflect the relations of power that have structured historical archives: “they privilege the written word over the visual, the oral, and the material, the masculine over the feminine, elite white perspectives from the metropole over nonwhite and working-class voices from the peripheries, and adult perspectives over youthful ones.”⁵⁵

The descriptions of children's behavior and utterances in the custody and visitation rights cases, therefore, offer a rather extraordinary opportunity to retrace the involved children's emotional practices. Examining their actions, however, we should not look for unfettered or autonomous agency or even necessarily for resistance to social constraints. Their activity, like that of all people, was necessarily shaped by existing social structures and relationships of power, and may just as well have contributed to upholding these as to undermining them. Moreover, recorded actions clearly do not provide a direct access to emotional experience, but should rather be seen as emotional practices that were continually shaped by wider social prescriptions that varied according to factors such as age, gender, and social class. In Lars's case it is, for example, hard to gauge the exact reason for his distress, and his emotional expressions were undoubtedly affected by the conflicting anticipations of his parents and others. Adults in the “emotional formation” within which he navigated expected a child to yearn for the comfort of an unbroken home, to love both of their parents (especially the mother), and to react with emotional suffering when parents divorced.⁵⁶ Lars's actions were therefore perfectly understandable in his social environment. Importantly, they may have had an “emotive” force, not only

reflecting his feelings but reinforcing them as well. By crying for his mother, his longing and agony may in fact have increased.

A similar dynamic might have been in place for other children, whose stated desires and emotions were recorded more directly in the files. A twelve-year-old girl, for example, added a statement to her father's letter to the office of public administration: "The undersigned . . . hereby declares that I do not wish to visit my mother in her current home. The reason is, among other things, that the man with whom my mother now lives, states that he hates me, he scolds me, just as he has beaten me."⁵⁷ In this short and matter-of-fact statement, the child clearly signaled emotional discomfort and a disinclination to spend time with her mother because of the mother's new partner. Any ambivalence or doubt she might have felt was not recorded. The formal tone at the beginning of the letter employing vocabulary such as "the undersigned," which was hardly common for most twelve-year-olds with a working-class background, also suggests that the note could have been at least partially designed by her father. Separating the child's voice and desires from those of the adults is therefore difficult. Her statement no doubt accorded with her father's wish, but her very articulation of such emotions in this context may also have led to her actually feeling this way, or to do so more strongly than before. Insofar as she did in fact not want to spend time with her mother, the girl achieved what she wished for; the mother's request was rejected.

In another case, a fifteen-year-old girl was similarly given a chance to affect the outcome of a visitation rights battle by succinctly articulating her feelings regarding the matter. Her parents had gone through a bitter divorce; her mother was now remarried, and her stepfather had earlier tried to adopt her, though without success. Meanwhile, her father fought to uphold his visitation right because the mother was preventing him from seeing his daughter and even returned his letters to the daughter unopened (one of these letters was, in fact, still unopened when we found it in the archives). During the administrative treatment of his request, the girl joined her mother at a meeting at the office of public administration where an official interviewed her at her own request. While her mother waited outside the door, the girl talked to the case officer, who reported that "she made an adult-like and sensible impression and spoke with great understanding of the case—she resolutely opposed seeing her father, whom she declared neither to know nor to wish to get to know."⁵⁸ Once again, the young person was presumably unequivocal in her expressed disinclination to see the parent in question. We do not know what, if anything, her mother or stepfather had done to encourage or even to pressure her to give such a statement, but her voice was certainly recorded, and her declared feelings about the

situation appear to have had an impact on the resolution of the case. The father lost the case and appears to have been permanently deprived of contact with his daughter.

The child's own desires as well as his emotional welfare were also a focus point for everyone implicated in the battle between Anne and Peter Nygaard. Aside from the parents and the father's sister, the police brought in Anne's aunt, widow Julia Christensen, and a close friend of the family, Mrs. Elisabeth Jensen, for questioning. Both women described Anne as a very good mother, who embraced her children with "great love." They emphasized that losing her son completely would cause Anne "tremendous grief," and both believed that Lars would be better off living with his mother. Furthermore, Mrs. Jensen expressed a conviction that this was what Lars himself wanted, supporting her claim with reference to the boy's behavior: "the child prefers to be [with Anne] since he clings very much to his mother." Finally, the police interviewed the municipal inspector who for nine months had paid monthly visits to Anne, due to the fact that she had a daughter conceived outside of marriage.⁵⁹ She, too, lent Anne her support. Peter had never been at home when she had visited the family, but according to the police report, the visits had given her the opportunity to witness the "great love" with which Mrs. Nygaard cared for her children: "She was an unusually kind and cleanly woman and without a doubt a good mother to her children. When as an inspector she has been to see [Mrs. Nygaard], the children have always been clean and well-cared-for, and she has always gotten the impression that [Mrs. Nygaard] was very careful with the children."⁶⁰

The descriptions both of Anne's maternal skills and affection and of Lars's emotional reactions in the police report served to convince the state officers that there was no reason to deprive Anne of contact with her son, and Peter's application was turned down.

It soon became clear, however, that Peter was in no mind to honor the administrative decision; he simply stopped bringing Lars to Anne at the appointed times. When summoned to the office of public administration, he reiterated that he had no intention of letting mother and son see each other, since he considered it harmful to the boy. As a consequence, the state officers decided to take up the custody case yet again.⁶¹

CONCLUSION

The reopening of the case between Anne and Peter involved another round of thorough investigations in which several witnesses testified to mutual love between mother and child. One acquaintance described how she had seen Peter pick Lars up after a stay at his mother's "and on that occasion the child

called after his mother several times as the father took him down the stairs."⁶² Anne similarly emphasized the agony of going through the protracted process without being able to see her son: "I ask if there will soon be made a final decision on the matter, as this uncertainty as well as my longing after my boy is unbearable."⁶³

However, even though the state officials worked hard to reach a compromise between the spouses, Anne lost the battle. Peter moved to a different part of the country, effectively depriving mother and son of all contact. In May 1925 the Ministry of Justice, which was eventually involved in the case, concluded that there were no legal remedies to enforce Anne's visitation right; the bailiff's court should not be involved.⁶⁴ Anne finally gave up, despondent towards a state bureaucracy that, although it recognized the emotional suffering of both mother and son, decided it could not do anything for her.

This single case reflects many of the issues at stake in the Danish custody cases of the 1920s more generally. It is hard to judge what precisely determined the outcome of the battles (and indeed, a combination of factors were often at play), but emotions were indisputably important operators in the negotiation strategies of the petitioners and respondents as well as a concern for the state officials. The cases lay bare a universe in which emotions, morality, gender, class, and age entered into multifaceted and conjointly constitutive relationships.

Although separating and divorcing parents diverged from the prominent happiness script of a loving nuclear family life, the mothers and fathers in the cases presented here strove hard to present themselves as capable parents able to ensure not only the physical, but also the emotional welfare of their children. In so doing, many parents had to navigate a different emotional culture from what they were used to. Demonstrating one's parental affection appropriately could be a difficult challenge, particularly for working-class parents who were not always well versed in the highly gendered emotional codes of conduct that prevailed at the office of public administration. Caseworkers and police officers, on their side, sought to determine the moral and emotional habitus of parents as well as the emotional condition of the children in question. In the process, emotional practices helped organize notions of good motherhood, fatherhood, and childhood. The actions and interpretation strategies of both parents and officials both reflected and nourished a growing conviction that the emotional well-being of children was of crucial importance to a good childhood, and that it was the obligation of parents to ensure this. Indeed, young people were frequently treated as intelligent and emotional subjects, worth listening to in their own right.

Because of this, one sees in the custody cases traces of children's own emotional agency: sometimes they are quoted directly, while at other times

their emotional practices are reported by adults. We are told of how they protest spending time with one parent or the other, how they cling to their mother, how they wake up at night screaming, how they cry, and how they reveal a sense of security. That these practices—and the recording of them—were molded not only by immediate social constraints and adult interventions, but also by the deeper social structures characterizing the particular emotional formation within which they acted, seems beyond doubt. This does not mean that their expressions were necessarily manipulated or contrived, but rather that children—much like adults—to some extent sought to adapt their emotional comportment to the expectations of their social surroundings.

Emotions rarely manifest themselves in purity; parental love mixes with a sense of responsibility, shame with thirst for revenge, longing with a sense of powerlessness, discomfort with the desire to be a good daughter. The social prohibition or valorization of particular emotions structures the ways in which they can be legitimately practiced, and the emotional agency of children and adults helps determine their social possibilities. What our reading of the custody and visitation rights cases underscores is that while emotional practices tend to be ambiguous, they unmistakably intertwine with the consolidation and adjustment of social boundaries and identities.

NOTES

1. To ensure anonymity, all names have been changed.
2. Oj 2045/1924, June 18, 1924, letter from Anne to the office of public administration (henceforth OPA). Translating quotes, we have sought to maintain the style of the original writing.
3. Anette Jensen, “Staten, kirken og stridbare ægtefolk. Et nyt syn på ægteskabet i første halvdel af 1800-tallet,” *Den Jyske Historiker*, no. 98–99 (September 2002): 109–28, 121. The legal expression “incompatibility of tempers” resembles the contemporary “irreconcilable differences,” although “tempers” (*Gemytter*) refers to the personality of the spouses rather than the nature of their conflict.
4. As David Bradley has noted, Scandinavia has historically set trends for other “developed countries” “in relation to divorce, equality between the sexes, aspects of sexual morality and child law.” David Bradley, *Family Law and Political Culture: Scandinavian Laws in Comparative Perspective* (London: Sweet & Maxwell, 1996), xiii. See also Kari Melby, Anu Pylkkänen, Bente Rosenbeck, and Christina Carlsson Wetterberg, “The Nordic Model of Marriage,” *Women’s History Review* 15 (2006): 651–61.
5. *Statistisk Aarbog, Annuaire Statistique, 1931*, Det Statistiske Departement, Kbh., 1931, Table 14, 21; Mette Andersson, *Adskillelse fra bord og seng, Dansk separations- og skilsmissepraksis, -statistik og fortællinger om samlivssammenbrud, 1870–1930* (København, 2011), 34. In addition, a significant number of couples likely separated without ever seeking official recognition of the breakup.

6. *Lov (Nr. 277) om Umyndighed og Værgemaal, Stadfæstet af Chr. X 30. Juni 1922, 1922, § 24.*
7. Catherine Lutz and Lila Abu-Lughod, *Language and the Politics of Emotion* (Cambridge: Cambridge University Press, 2008), 11.
8. We have studied altogether fifty-four out of 204 cases registered in the files of the OPA in Copenhagen in the period 1922–1927.
9. Monique Scheer, “Are Emotions a Kind of Practice (And Is that What Makes Them Have a History?) A Bourdieuan Approach to Understanding Emotion,” *History and Theory* 51, no. 2 (2012): 193–220, 205.
10. In William Reddy’s classical rendering, “emotives” may change, redirect, and intensify emotions. William Reddy, “Against Constructionism: The Historical Ethnography of Emotions,” *Current Anthropology* 38, no. 3 (1997): 327–51, 331.
11. Peter N. Stearns and Carol Z. Stearns, “Emotionology: Clarifying the History of Emotional Standards,” *American Historical Review* 90 (1985): 813–36, 813. For example, Peter N. Stearns and Timothy Haggerty, “The Role of Fear: Transitions in American Emotional Standards for Children, 1850–1950,” *American Historical Review* 96, no. 1 (1991): 63–94, 63.
12. Kristine Alexander, “Can the Girl Guide Speak? The Perils and Pleasures of Looking for Children’s Voices in Archival Research,” *Jeunesse: Young People, Texts, Cultures* 4, no. 1 (2012): 132–45, 132; Mona Gleason, “In Search of History’s Child,” *Jeunesse: Young People, Texts, Cultures* 1, no. 2 (2009): 125–35; Hugh Cunningham, *Children and Childhood in Western Society since 1500* (London: Longman, 1998). For important recent contributions addressing this challenge in new ways, see Ute Frevert et al., *Learning How to Feel: Children’s Literature and Emotional Socialization, 1870–1970* (Oxford: Oxford University Press, 2014); Stephanie Olsen, ed., *Childhood, Youth and Emotions in Modern History* (London: Palgrave, 2015).
13. As Linda Gordon has shown in her study on child welfare services in Boston from 1880 to 1960, parents, especially mothers, used and helped form the system, at least to some extent, to their own advantages: Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston, 1880–1960* (New York: Viking, 1988).
14. Oj 2045/1924, June 18 and July 20, 1924, letters from Anne to the OPA.
15. Oj 2045/1924, July 20, 1924, letter from Anne to the OPA.
16. In particular, the emerging welfare state relied on the mutual obligation of spousal support as well as on women’s reproductive labor within the family. See for example Melby et al., “The Nordic Model of Marriage,” 651–61.
17. Danish “cultural radicalism” had its roots in the late nineteenth-century “Modern Breakthrough,” when leading intellectuals inspired by Nietzsche began to question religion, Victorian sexual morality, and strict social norms. See for example Karen Vallgård, “Continual Conversions: Narratives by Henrik Pontoppidan and Johannes Jørgensen,” *Scandinavian Studies* 78, no. 3 (2006): 303–32. Cultural radicalism grew particularly strong in the interwar years in Denmark.
18. Sara Ahmed, *The Promise of Happiness* (Durham: Duke University Press, 2010), 59.

19. For introductions to the historical study of emotions, see for example Ute Frevert, *Emotions in History, Lost and Found* (New York: Central European University Press, 2011); Jan Plamper, *The History of Emotions, an Introduction* (Oxford: Oxford University Press, 2015).
20. On child consumption and culture, see, for example, Anne Sparrman, Bengt Sandin, and Johanna Sjöberg, eds., *Situating Child Consumption: Rethinking Values and Notions of Children, Childhood and Consumption* (Lund: Academic Press, Incorporated, 2012).
21. Peter N. Stearns, "Defining Happy Childhoods: Assessing a Recent Change," *Journal of the History of the Childhood and Youth* 3, no. 2 (Spring 2010): 165–86, 167. Indeed, as Helena Bergman, Maria Eriksson, and Roger Klinth have pointed out, the twentieth century might be seen as much the century of the parent as that of the child. See "Föräldraskapets omvandlingar och styrningens omvandlingar," in *Föräldraskapets politik*, eds. Helena Bergman, Roger Klinth, Maria Eriksson (Stockholm: Dialogos Förlag, 2011), 7–27, 10.
22. See for example Ning de Coninck-Smith, "Barndom," *Den Store Danske Encyklopædi*, accessed online at http://www.denstoredanske.dk/Sprog%2c_religion_og_filosofi/Filosofi/Menneskets_grundvilk%C3%A5r/barndom; or Anette Faye Jacobsen and Anne Løkke, *Familieliv i Danmark, 1550 til år 2000* (Aarhus: Systime, 2008), 81–82.
23. Emma Gad, *Takt of Tone, hvordan vi omgaas*, 15. opl., (Copenhagen: Gyldendalske Boghandel, 1920), 210–11.
24. *Lov (Nr. 277) om Umyndighed og Værgemaal*, 1922, § 24. Our emphasis.
25. *Lov (Nr. 277) om Umyndighed og Værgemaal*, 1922, § 19.
26. At the point at which the custody/visitation rights cases were initiated, thirty-four mothers and ten fathers had custody of the child(ren). In ten cases in which there was more than one child, the parents had divided the children between them. After the cases were closed, thirty-three mothers and eleven fathers had custody of the child(ren).
27. Only in eight of the fifty-four cases we have gone through was the custody handed over from one parent to another. In all of these cases, the custody holder eventually gave up the claim to custody, more or less willingly. Oj 585/1923, oj 992/1924, oj 1304/1924, oj 1862/1924, oj 4398/1925, oj 4496/1925, oj 95/1926, and oj 85/1927.
28. Oj 2045/1924, July 20, 1924, letter from Anne to the OPA.
29. Linda Gordon, "The Perils of Innocence, or What's Wrong with Putting Children First," *Journal of the History of Childhood and Youth* 1, no. 3 (2008): 331–50, 337.
30. Bente Rosenbeck, *Kvindekøn, den moderne kvindeligheds historie 1880–1980* (København: Gyldendals Bogklubber, 1991); Anette Faye Jacobsen and Anne Løkke, *Familieliv i Danmark, 1550 til år 2000* (Aarhus: Systime, 2008).
31. Svenn Monrad, *Moderens Bog, det sunde Barns Pleje* (København: Gyldendal, 1916), 104.
32. Uffa Jensen, "Mrs. Gaskell's Anxiety," in *Learning How to Feel: Children's Literature and Emotional Socialization, 1870–1970* (Oxford: Oxford University Press, 2014), 21–39, quote, 22.
33. See for example Auguste Mussén, *God Tone i alle livets forhold* (Copenhagen: V. Pio's Forlag, 1884), 11–19.
34. Oj 2045/1924, July 5, 1924, notes from the OPA.

35. Oj 2045/1924, August 5, 1924, minutes from the OPA.
36. See e.g. oj 894/1923, oj 1385/1923, oj 2144/1923, oj 992/1924, oj 1980/1924, oj 900/1925, oj 1064/1925, oj 4398/1925, oj 95/1926, and oj 787/1926.
37. Oj 1006/1927, April 11, 1927, police report.
38. Oj 1385/1923, June 22, 1923, minutes from the OPA.
39. Oj 1385/1923, July 10, 1923, police report.
40. For more on this, see for example Lutz and Abu-Lughod, *Language and the Politics of Emotion*; Frevert, *Emotions in History, Lost and Found*, 87–148.
41. Søren Mørch argues that this ideal remained strong until the 1950s. Søren Mørch, *Den ny Danmarkshistorie 1880–1960* (København: Gyldendal, 1991), 350. As Robert Griswold has shown in his study of fatherhood in America, the breadwinner ideal was also a dominant feature of fatherhood on the other side of the Atlantic. Robert L. Griswold, *Fatherhood in America: A History* (New York: Basic Books, 1993), 46.
42. See for example oj 4128/1922, oj 3820/1926, and oj 56/1923.
43. Oj 56/1923, October 6, 1926, notes from the OPA.
44. See Karen Vallgård, *Imperial Childhoods and Christian Mission: Education and Emotions in South India and Denmark* (Houndmills: Palgrave Macmillan, 2015), 181–209. On tender emotional fatherhood in England and the United States, respectively, see Stephanie Olsen, *Juvenile Nation: Youth, Emotions and the Making of the Modern British Citizen, 1880–1914* (London: Bloomsbury, 2013). Griswold, looking at the United States, identifies the emergence of this “new fatherhood” in the 1920s and 1930s: Griswold, *Fatherhood in America*, 90.
45. Oj 717/1925, March 9, 1925, letter from father to the OPA.
46. For similar examples, see oj 157/1925, oj 16/9–1924, oj 17/1927, and oj 3820/1926.
47. Oj 717/1925, April 7, 1925, letter from mother to the OPA.
48. Oj 717/1925, April 27, 1925, notes from the OPA.
49. Oj 2045/1924, August 21, 1924, letter from Peter to the OPA.
50. Oj 2045/1924, September 6, 1924, minutes from the OPA.
51. Oj 2045/1924, September 6, 1924, notes from the OPA, and September 22, 1924, letter from the OPA to the police of Copenhagen.
52. Oj 2045/1924, September 27, 1924, police report.
53. Oj 2045/1924, September 27, 1924, police report. Quote from police report.
54. Oj 4392/1922, oj 1351/1923, oj 3820/1923, oj 1980/1924, oj 470/1925, oj 1100/1926, oj 181/1927, and oj 1006/1927.
55. Alexander, “Can the Girl Guide Speak?” 132. See also: Gleason, “In Search of History’s Child.”
56. On the concept of “emotional formation,” see Karen Vallgård et al., “Emotions and the Global Politics of Childhood,” in *Childhood, Youth and Emotions in Modern History*, ed. Stephanie Olsen (London: Palgrave 2015), 12–34.

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57. Oj 1351/1923, May 31, 1923, letter from father to the OPA.
58. Oj 4293/1922, May 5, 1925, notes from the OPA.
59. Since 1888, mothers of children conceived out of wedlock (along with foster families) had been subject to municipal inspections. From 1923 onward, supervision was mandatory in homes in which the “illegitimate” child received public subsidies. See Bodil Grønhøj, *Idealer og praksis* (København: Teknisk Forlag, 1974), 22, 27; Anette Faye Jacobsen, “Kontrol og demokrati. Træk af dansk børneforsorgs historie 1933–1958,” *Historisk Tidsskrift* 15 (1989, no. 2): 20.
60. Oj 2045/1924, September 27, 1924, police report.
61. Oj 2045/1924, November 25, 1924, minutes from mediation at the OPA.
62. Oj 2045/1924, December 11, 1924, police report.
63. Oj 2045/1924, October 24, 1924, letter from Anne.
64. Oj 2045/1924, May 7, 1925, letter from the Ministry of Justice.