

HAVE YOU STOPPED BEATING YOUR WIFE?



Whether The Answer Is Yes or No, You Have No Right To Do It

HAVE you stopped beating your wife? If you haven't, you'd better stop at once, because it's against the law. Only the other day a husband was convicted in Auckland for striking his wife. The magistrate said that apparently the husband smacked his wife's face without stopping to think, but he had not the right to do so.

"I should think not," said an unmarried girl to whom we showed the newspaper report. "I wouldn't marry anyone who would do such a thing."

Said a married man: "There's our last right gone. Soon we'll be too afraid to ask our wives for tobacco money."

Dean Inge apparently has (or once had) the same idea. His summary of the rights of a wife runs something like this: "The right of maintenance. The right to work outside the home, even against the wish of her husband. The right to determine the place of her residence. The right to invite her friends to the home and entertain them at her husband's expense. The right to accept or refuse motherhood. The right to delegate the housework to servants, who must, of course, be paid by the husband. The right of complete self-possession. And in a general sense, the right to full personal freedom. Husband's rights: none!"

Of course Dean Inge may be prejudiced.

From England comes a counteracting statement. The Court of Appeal has decided that money which a married woman is able to save out of her husband's allowance or from payment from lodgers is the property of the husband. The appeal, which sought to establish that the wife had the right to keep the money, was dismissed with costs.

Lord Justice Luxmoore: "We cannot upset law which has been settled many years. If you want the law altered, you must get Parliament to do it."

Lord Justice Goddard: "Profits from lodgers are the husband's."

Lord Justice Scott: "There is no justification at all for the contention that where a husband hands to his wife an allowance for housekeeping purposes, the husband is to be taken as a matter of law as presenting the savings out of the money to the wife for her sole use."

Centuries of Superiority

So there, at least, is one right which husbands have not lost. Anyhow, husbands should not be unreasonable. They've had the upper hand for a very



"... Carried off at the club's head"

long time. Although according to the authorities "the original concept in English law was an absolute merger of the personality of husband and wife by virtue of the marriage ceremony," Bacon adds this warning: "from the time of the intermarriage, the law looks upon the husband and wife as but one person; and therefore allows of but one will between them, which is placed in the husband." Hence a man could not grant or give anything to his wife, because she was himself, and he had an absolute power during his life of disposing of her personal property and chattels.

He was also bound by honour to bestow on his wife, as on his apprentices "moderate castigation," and an old Welsh law lays down three blows with a broomstick on "any part of the person except the head" as a fair allowance. In time it was decided that the stick should be no longer than the husband's arm nor thicker than his middle finger. If chastisement did not save her, she could be cast out altogether (though

not after the Conquest), on proof of her being either barren, deformed, silly, passionate, luxurious, rude, habitually drunk, gluttonous, very garrulous, quarrelsome, or abusive.

By Force And By Purchase

It may even be true that wives were once acquired by force—carried off at the club's head. The "Best Man" in the modern wedding is said to be a relic of those days. He was the strong-armed warrior who assisted the would-be groom to carry off his bride, the wedding ring being the symbol of the fetters with which she was bound.

After marriage by force, came marriage by purchase—two coins for a plain wife, three for a pretty one, four for one who would not scold, and so on. Many an early Anglo-Saxon must have weighed the value of two head of cattle as against one wife. Cynics say that this, disguised, is still the custom; and it was certainly a long time after the beginnings of Christianity—perhaps as late as the Council of Trent—before ecclesiastical marriage was made binding.

Even then, it was the custom in many marriage ceremonies, for the father to hand a whip to the bridegroom signifying the transfer of authority and almost to the present day, the groom in Hungary gives the bride a gentle kick after the marriage ceremony to make her feel her subjection.

So it was perhaps necessary for the Auckland magistrate to remind New Zealanders that chastisement is no longer legal, however provocative a wife may be, and however feeble the legal methods may be for bringing her to subjection and reason.

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