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THE LEGISLATIVE AND JUDICIAL WAR AGAINST WIVES

A drama is currently being played out in the New Jersey Legislature which parallels similar dramas in other state legislatures over the last several years. These controversies reflect a determined drive to eliminate the career homemaker (dependent wife) from the American social structure by depriving her of traditional legal rights.

The New Jersey bill currently in controversy, S. 597, is disarmingly entitled "An Act concerning marriages and married persons." Simply stated, it eliminates the traditional obligation of the husband to support his wife. If this bill is passed, the dependent wife no longer would have any support rights, and women would lose the option of becoming or remaining a career homemaker.

S. 597 reads: "An individual is guaranteed rights in every area of law without regard to sex or marital status..." In plain English, that means that every man has the "right" to spend 100% of his money on himself or persons of his own choosing regardless of his marital status as a husband; he could not be obligated to support his wife. The wife would lose her traditional right to be supported.

S. 597 reads: "A purchase made by a spouse in the spouse's own name shall be presumed, in the absence of notice to the contrary, to be made by that spouse as an individual and that spouse shall be liable for the purchase." In plain English, that sentence wipes out the the right of the dependent wife, who has no separate income, to buy anything at all. It wipes out the traditional right of the wife to spend her husband's money for "necessaries" to feed and clothe herself and their children.

S. 597 reads: "It shall be the duty of both spouses to support their family, and both shall be liable for: (1) reasonable and necessary medical and dental services rendered to either spouse or their minor children; (2) the cost of any dwelling unit actually occupied by the husband and wife as a residence and reasonably necessary to them for that purpose; and (3) any article purchased by either spouse for the reasonable and necessary support of the family."

In plain English, that paragraph wipes out all rights to be a traditional wife. By virtue of becoming a "spouse," she acquires the legal obligation to support her family (jointly with her spouse), to pay for all "reasonable and necessary" medical and dental services, the home, and any other articles purchased by either spouse. That language imposes on every wife the obligation to enter the paid labor force in order to fulfill her "duty" to pay for the family's needs.

S. 597 reads: "The wages and earnings of a married person are that person's separate property." In plain English, that means that the wages and earnings of a husband are that husband's "separate property" and that his wife has no claim on them whatsoever. It is redundantly clear that this bill would wipe out the traditional rights of wives.

The official "statement" explaining S. 597 tries to clothe these radical anti-wife proposals with some semblance of dignity by claiming that they are based on a 1980 New Jersey court case called Jersey Shore v. Baum.

The Baum decision reeks with the ideology and the jargon of radical feminism and contempt for the career homemaker. The court proudly proclaims "the principle that the concept of the wife as the dependent spouse is outdated," and that "the common law rule imposing liability on husbands, but not wives, is an anachronism that no longer fits contemporary society."

The Baum court purports to redefine marriage in the feminist ideology: "A modern marriage is a partnership, with neither spouse necessarily dependent financially on the other." It is consummate gall for any court to assume that a traditional marriage, based on the customary division of labor between breadwinner and homemaker, is something less than a "partnership."

The Baum decision callously admits that the traditional common-law rule "operates to favor a needy wife" -- and then deliberately sweeps away that rule. The Baum court scarcely bothered to conceal its admiration for the women who have "shed their traditional dependence on their husbands for active roles as income earners," and its view that it is "progress" to compel "the mutual sharing of all obligations by husbands and wives."

Legislation similar to S. 597 has been proposed in most of the 50 state legislatures, and it has passed in quite a few. It looks like career homemakers will have to organize politically if they want to defend themselves against the feminists.