

Marriage Assets

Author: Jonathan Pearson

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Introduction

There is an enquiry into Family Law in Australia where for the last 40 years the assets have been divided by law and judges in the women's favor more often than not. Even post separation inheritances are thrown into the mix. Violence, equality, feminism and gender are all discussed at the same time.

It is of interest then to note that John Stuart Mill and his wife working together wrote a book about these issues – and especially an initial position that each women and man should keep their own assets. This is in the context of John Stuart Mill marrying a women who had already been married and her husband had died so she had her own assets.

He also wrote about violence and subscribed it to lower class brutish men using power because of the **dependence** of the women on the man – arguing a conviction in court is necessary to stop it - allowing the dependent person to escape the relationship.

Being a man of privilege, intellect and principle who married a women of intellect and principle I can imagine that they gave due consideration but maybe not a lot of research when reaching their conclusions. They were both privileged.

Even Harriet Taylor did not describe equality as 50% representation or averages – she described it as **opportunity** for individuals to prove their capacity.

It is worth noting that John Stuart Mill thought of himself as *civilized* and that colonization of Barbarians is justified when bringing the benefits of civilization to them.

Framework

Nation Schemas, Marriage, Assets, Convictions for Crimes.

Population

Couples

Initial Conditions

Marriage, Law, Contracts

John Stuart Mill

He was highly educated, intelligent, a utilitarian and libertarian, author (*On Liberty* 1859) married to Harriet Taylor and he was one of the first supporters of women rights in Britain. He wrote a book about it.

https://en.wikipedia.org/wiki/John_Stuart_Mill "His relationship with Harriet Taylor reinforced Mill's advocacy of [women's rights](#). J. S. Mill said that in his stand against domestic violence, and for women's rights he was "chiefly an amanuensis to my wife". He called her mind a "perfect instrument", and said she was "the most eminently qualified of all those known to the author". He cites her influence in his final revision of *On Liberty*, which was published shortly after her death. Taylor died in 1858 after developing severe [lung congestion](#), after only seven years of marriage to Mill."

The Enfranchisement of Women. John Stuart Mill & Harriet Taylor Mill

<http://www.laits.utexas.edu/poltheory/jsmill/diss-disc/eow.html>

*"There need be no fear that women will take out of the hands of men any occupation which men perform better than they. **Each individual will prove his or her capacities** in the only way in which capacities can be proved,---by trial,---and the world will have the benefit of the best faculties of all its inhabitants. But to interfere beforehand by an arbitrary limit, and declare that whatever be the genius, talent, energy, or force of mind, of an individual of a certain sex or class, those faculties shall not be exerted, or shall be exerted only in some few of the many modes in which others are permitted to use theirs, is not only an injustice to the individual, and a detriment to society, which loses what it can ill spare, but is also the most effectual way of providing that, in the sex or class so fettered, the qualities which are not permitted to be exercised shall not exist."*

The Subjection of Women by John Stuart Mill

THE SUBJECTION OF WOMEN BY JOHN STUART MILL LONDON LONGMANS, GREEN, READER, AND DYER 1869 LONDON: SAVILL, EDWARDS AND CO., PRINTERS, CHANDOS STREET, COVENT GARDEN.

<http://www.gutenberg.org/ebooks/27083>

*"The rule is simple: whatever would be the husband's or wife's if they were not married, should be under their exclusive control during marriage; which need not interfere with the power to tie up property by settlement, in order to preserve it for children. **Some people are sentimentally shocked at the idea of a separate interest in money matters, as inconsistent with the ideal fusion of two lives into one.** For my own part, I am one of the strongest supporters of community of goods, when resulting from an entire unity of feeling in the owners, which makes all things common between them. **But I have no relish for a community of goods resting on the doctrine, [Pg 87] that what is mine is yours but what is yours is not mine; and I should prefer to decline entering into such a compact with any one, though I were myself the person to profit by it.**" ...*

*"And how many thousands are there among the **lowest classes in every country**, who, without being in a legal sense malefactors in any other respect, because in every other quarter their aggressions meet with*

resistance, indulge the **utmost habitual excesses of bodily violence** towards the unhappy wife, who alone, at least of grown persons, can neither repel nor escape from [Pg 64] their brutality; and towards **whom the excess of dependence** inspires their mean and savage natures, not with a generous forbearance, and a point of honour to behave well to one whose lot in life is trusted entirely to their kindness, but on the contrary with a notion that the law has delivered her to them as their thing, to be used at their pleasure, and that they are not expected to practise the consideration towards her which is required from them towards everybody else. The law, which till lately left even these atrocious extremes of domestic oppression practically unpunished, has within these few years made some feeble attempts to repress them. But its attempts have done little, and cannot be expected to do much, because it is contrary to reason and experience to suppose that there can be any real check to brutality, consistent with leaving the victim still in the power of the executioner. **Until a conviction for personal violence, or at all events a repetition of it after a first conviction, entitles the woman ipso facto to a divorce, or at least to a judicial separation, the attempt to repress these "aggravated assaults" by legal penalties will break down for want of a prosecutor, or for want of a witness."**