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### Repository Citation

Anthony S. Earl, *Marital Property: Reform in the Wisconsin Tradition*, 68 Marq. L. Rev. 381 (1985).

Available at: <http://scholarship.law.marquette.edu/mulr/vol68/iss3/2>

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# MARITAL PROPERTY: REFORM IN THE WISCONSIN TRADITION

ANTHONY S. EARL\*

When Wisconsin becomes a community property state on January 1, 1986, a reform of historic proportions will be accomplished. Marriage as an institution of sharing will be recognized in law as well as in practice. The contributions of both spouses will be given their due.

Wisconsin, the state known for its pioneering in social legislation, once again will live up to its tradition. Worker's compensation, unemployment compensation, the progressive income tax, and the direct primary election were among the many Wisconsin innovations which went on to become national practice. Now we will lead the nation in the shift from separate to community property systems.

It should have happened long ago. Most successful marriages have been based on full sharing, despite the common law. The new law will confer that basis of dignity on all marriage relationships and strengthen family life as a result.

No longer will non-wage-earning spouses be restricted from obtaining the commercial credit they deserve. No longer will they lack control in the management of marital property. No longer will there be doubt that half of their marital property ought to be theirs when the wage-earning spouse dies. At the same time, the freedom to own individual property will be available to those who desire it.

This accomplishment was a decade in the making. Women and women's organizations worked tirelessly for it. An important boost came from the National Conference of Commissioners of Uniform State Laws, which recommended it to the states after extensive study and hearings in 1983.

Ultimately, bipartisanship brought this reform into reality. Representative Mary Lou Munts of Madison and Senator Lynn Adelman of New Berlin, both Democrats, spearheaded the charge, and I aligned my administration behind it. But it

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would not have succeeded without the eminent ability and foresight of members of the minority party, led in that effort by Senator Donald Hanaway of De Pere.

Community property is now a part of our body of law in Wisconsin. Soon it will be a fact of our lives. Wisconsin's example has prompted other states to begin the process of considering the shift. We hope the work begun here spreads to benefit men and women across the nation.

But the prime satisfaction is that we have accomplished social reform for ourselves, for our children, and for all those who would seek to settle in a state where fairness is embodied in law as well as daily life.

Marital property reform is an honor to ourselves, a tribute to our progressive heritage, and a blessing to every union of husband and wife. I am grateful to the *Marquette Law Review* for giving it the unusual attention of a special issue and for devoting so much thoughtfulness to its meaning for us as citizens.