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THE CONCEPT OF MATRIMONIAL CRUELTY

By JOHN M. BIGGS. Published by The Athlone Press, University of London.

In a carefully documented history of cruelty as a cause for marital dissolution, Dr. Biggs has provided legal scholars with detailed work in a field where comprehensiveness has been woefully lacking. He also provides a basis from which the legal innovator can proceed.

Dr. Biggs, a lecturer at Australian National University and formerly barrister of Gray's Inn, has shown the evolution of the law from the requirement of "violence" to "nagging" and the use of contraceptives as sufficient acts of cruelty to justify divorce. In 1755 in *Holmes v. Holmes* (2 Lee 116; 161 E.R. 283) the court ordered restitution of conjugal rights to a husband, stating that insufficient violence was shown by the husband's swearing at the wife and dragging her by the hair. Nowadays, as the author suggests, cruelty is a matter of degree and there is no single inflexible criterion for the Courts to apply.

Dr. Biggs' treatise recites only historical development but suggests little in prognostication. What it seems is crying to be said is that divorce realistically will be granted where it is to the best interests of all concerned—husband, wife, children and the State. We are in a most embarrassing situation in mid-Twentieth Century: We are required by the law to resort to medieval concepts of fault versus faultlessness, and consequently to out-and-out perjuries.

Dr. Biggs has brought thorough legal scholarship to bear on a topic heretofore largely ignored. It will be for others to bring the law to bear on the problems which this excellent book suggests.

K. G. S.