

Divorce Law Reform

is no question of later recognition of the bond that has never existed but the breakdown, the dissolution of an existing bond, regardless of whether such dissolution is effected by the individual as such, by the state or by some religious authority. This concept of "divorce" must be very clear before the next step is taken. The basic principle is natural indissolubility of marriage.

Divorce as such brings into question an essential property of marriage, its indissolubility. Before dealing with the ticklish matter of divorce, it is fitting to consider this property of marriage. In my opinion, and to resume briefly what I think, marriage, considered on a strictly natural level and not in its religious or surnatural perspective, is a fundamentally indissoluble community. In other words, a duly constituted marriage involves a bond which, in itself, is absolutely permanent and infrangible, and which no authority can break, except the death of either one of the spouses. I back up my statement on three major grounds which constitute the foundation of the indissolubility of marriage.

The first reason is that the indissolubility of marriage is a divine institution.

That is the obvious meaning of the biblical text in Genesis which reads as follows:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.

Indissoluble marriage is not a human institution. God alone is the author of it and that is how He wanted it, that is absolutely indissoluble. A nation which proclaims its faith in God and the message He left in the Bible would be well advised to pay some attention to that divine will which insists on the indissolubility of the marriage ties.

Here one might hear the classic objection: But in the Bible it is easy to see that God Himself allowed polygamy, divorce with a possible remarriage. Even if God allowed such a thing, there is no need to conclude that it was good in itself. It was rather a matter of legally channelling an evil.

Mr. Trudeau: Would the hon. member allow me a question?

Mr. Simard: Certainly.

Mr. Trudeau: Does the hon. member know that the Canadian Catholic Conference recommended that we should improve, in the way I have done it, the divorce law, and that

this Canadian Catholic Conference represents the bishops of this country, who are fairly good Christians?

Mr. Simard: If the hon. minister has enough patience to listen to the rest of my remarks, he will probably find an answer to his question.

"On account of the hard-heartedness of this people", says the Bible in the Deuteronomy, the State which was in fact in Israel a theocratic state had to admit this legislation of tolerance. Therefore, to answer the objection, that permission on the part of God was rather a tolerance as regards a situation that was not to last. God permitted, tolerated something evil in itself. That did not mean at all that such a thing was good. Moreover, a less superficial reading of the Bible shows us very well that already in the Old Testament, the dissolution, even legal, of a regular marriage did not seem totally admissible from a moral point of view.

We find a confirmation of this in the New Testament, (this confirmation is worth, of course, only for Canadian Christians, not only for the Catholics, who believe in Christ). All that is needed in this connection is to read St. Matthew, chapter 19, verses 1 to 10, where Christ is most explicit on the matter of divorce, on the indissolubility of marriage, and I quote:

Have ye not read, that he which made them at the beginning made them male and female,

And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh?

Wherefore, —

The Acting Speaker (Mr. Rinfret): Order. I regret to interrupt the hon. member, but it is ten o'clock.

A motion to adjourn the house has now been moved.

[*English*]

BUSINESS OF THE HOUSE

Mr. MacEachen: Mr. Speaker, tomorrow we will begin the budget debate, which will continue the rest of the week and next week.

PROCEEDINGS ON ADJOURNMENT MOTION

A motion to adjourn the house under provisional standing order 39A deemed to have been moved.