

Divorce Law Reform

worthwhile work in this field that I personally have read about has been in the courts of Los Angeles in California. This was done by a Judge Burke, who would get the parties before him and, if they showed the slightest sign of wishing to reconcile and not go through with their divorce proceedings, he would have experts talk to them and try to find out what was on their minds, and then have the couple consent to a court order.

It might work out this way, that Mr. Jones would be upbraided by his wife because he went to a tavern twice a week after work, and on the other hand his complaint against her was that she would play bridge twice a week and neglect him for the girls at the bridge table. In the process of reconciliation developed by Judge Burke he would get the couple to agree that the husband go to the pub only one night a week, and the wife play bridge only one night a week, and then put it in the form of a court order so that if either one broke that promise he or she would be guilty of contempt of court.

I have read a fair amount on this, and so far as I know this was the only practical way of getting some of the differences between husband and wife ironed out to the point that the reconciliation procedure would work. Frankly, despite the good intentions of the minister and of those who advised him to take the step, I feel the reconciliation provision in the bill will not work. A judge will glance over the bench and ask if there is any prospect that the marriage can be saved. The person who has already spent a great deal of money by that point to get into the court, will simply say no, and there goes all that part of the minister's bill.

I suggest again, and I know the minister will be receptive to my suggestion, that this is something we cannot solve in this particular divorce bill, and I do not think we should try to mislead ourselves that we are going to solve it in this divorce bill. However, what I suggest can be done is that the minister carry on continuous consultations with the attorneys general of the provinces, to see if he can work out a consensus so that a lower court approach is used to these cases, and so that the counsellors and other professional help are available at the lower court level.

The procedure in Los Angeles that I have mentioned probably saved about 10 per cent of the marriages. That is not a very high figure, but 10 per cent in this divorce prone age is an important figure; because now we are getting into the divorce generation—the people who come from broken homes and are

[Mr. McCleave.]

more susceptible to broken marriages themselves. Indeed, sir, if a young adult comes from a broken home I almost liken that person to one who marches forth into life hobbling along on a broken leg, because sooner or later the environment in which he has grown up is apt to catch up with him as well.

It is important to try for reconciliation and to head off the breakdown of marriages, but I doubt very much if the procedure suggested in this bill will affect 1 per cent of the 8,500 cases we have in Canada today. And, let us face it, with the extra grounds we are adding in this bill we can expect that our divorce rate will probably be doubled and more than doubled for at least the foreseeable future. So, sir, there is a real challenge to achieve the reconciliation process at an earlier level of court proceedings, and above all to get to the root cause of what makes marriage fall apart in today's society.

In conclusion, Mr. Speaker, again I hope we will be able to deal with the matter of the courts in which these cases should be heard. I suggest that the minister take a long second look at the idea of having them in the county courts initially. I have mentioned the matter of wording over desertion cases. I think he and I agree on what we want, and it is just a question of getting the proper language. I also suggest that we keep in our minds the fact that court proceedings are far too expensive in these divorce matters, and that we have a long way to go in reconciliation provisions and in taking steps to catch marriage breakdown before it becomes the disease that is divorce.

● (9:50 p.m.)

[Translation]

Mr. Alcide Simard (Lac-Saint-Jean): Mr. Speaker, before I deal with the subject, I wish first of all to make two observations that seem to be required to avoid any misunderstanding.

First, the following thoughts are addressed to a state or a people who claim to be Christians. Christian does not mean Catholic. Taking into account the various religious persuasions in this country, these few notes do not relate to one sect or another. Because they are inspired by natural morality, they are somehow above the religious differences of the citizens.

Secondly, before any development or discussion, it is important to define adequately what we mean by the term "divorce". In these notes, divorce means a break-up of a matrimonial bond duly contracted. So, there