

*Divorce*

sibility of preparing a bill on divorce. So to that extent I think he is quite inconsistent.

He quoted for us the statements of Jesus Christ on divorce. He quoted I think from all the gospels, from three of them at least, but the very quotations he gave us destroyed his argument. According to what he read to the House, Christ on three different occasions said that a man should not divorce his wife, but he made an exception, as the hon. member read, Christ said, "Except for fornication or adultery." Now I submit to this body of lawmakers that if you make a law of any kind and say this or that shall not be done, except under certain circumstances, that exception rules the whole statute, and the exception that Christ made in his statement regarding divorce I think must logically be taken as his formal, deliberate deliverance on that point. So I think the hon. member has destroyed his argument so far as it rests on scriptural ground. I think he would have been more consistent if he had presented an amendment prohibiting divorce.

Mr. VIEN: Would the hon. member vote for such an amendment?

Mr. HOCKEN: No, I would not, but that would be in accord with the views of my hon. friend, as I understand them.

Mr. VIEN: When you cannot have a whole loaf, you take half a loaf.

Mr. HOCKEN: I do not think that is altogether the view of those from whom my hon. friend takes guidance on this question.

Mr. VIEN: They are quite satisfied.

Mr. HOCKEN: Oh, I do not think so. I think the proper course for the hon. member would have been to move to amend the bill by prohibiting divorce entirely but of course he would not do that. When he abandons that position, and takes the responsibility of placing limits upon the conduct of divorced persons, he can hardly be said to be opposed to the principle.

I submit, Mr. Speaker, that marriage is primarily a civil contract. It is so in this country; and it must be. It is the civil consequences of marriage with which this parliament or any other, must deal. The question of the moral basis of marriage is for the man or his wife, and perhaps for his religious leaders, to discuss, but this parliament cannot go beyond the civil consequences of divorce. If we are going to preserve our social organization, marriage must be a civil contract primarily, above and beyond all other considerations. Those who unite in wedlock

[Mr. Hocken.]

and bring children into this world must be made responsible for their maintenance, their care, their education and training, and fortunately there is left in the human race a sufficient sense of that responsibility to induce most people, indeed the whole people with some very, very few exceptions, to observe those responsibilities. If it were not so, civilization could not hang together; certainly no such social organization as we have could last any length of time.

We have made clergymen the agents of the state in this country. Unlike some other nations, in Canada marriage is not altogether a civil contract. It is that, in the first instance; it is that primarily, for no clergyman can unite in marriage two persons unless a license has been issued by the responsible civil authority. If that course is not followed, then in certain churches the banns are called, three times I think, which is taken to fill the place of the license that the state requires. To that extent in Canada we recognize the place that the church holds in marriage. I am not going to dispute the wisdom of the church having its place in performing the marriage ceremony and exercising that much control. But if we go to some other countries we will find that the situation is different. If my hon. friends went to Italy, and desired to be married, there, they would have to go before the mayor or his deputy to be married. They might, if they chose—but that would be a matter of individual choice—have some kind of a religious blessing follow the civil marriage. If I am not mistaken, the same law is in existence in France, Mexico, and a number of other countries. But I want to point out here that even in Italy, which is perhaps the centre of the greatest single religious organization in the world, marriage is a civil contract, and if it were not for that, and that civil consequences could be imposed upon those who enter into such arrangements, Italy could not hold together any more than any other state. So that all this parliament is or can be concerned with is the civil consequences of the marriage.

I objected to and voted against the amendment of the hon. member for Lotbiniere. I also am opposed to the one moved by the hon. member for West York (Sir Henry Drayton), although the latter is only half as bad as the former because it imposes disabilities upon one instead of upon two. In the case of the amendment that was voted down before dinner, my hon. friend would punish the innocent and virtuous party equally with the guilty party. A more preposterous