

Divorce Act

Mr. Benno Friesen (Surrey-White Rock-North Delta): Mr. Speaker, this morning we debated the third and final reading of the Canada Health Act which focused attention on the health of the nation. The Bill before us, the Divorce Act, also deals with the health of the nation although in a different sense. With this Bill we are dealing with anxiety, with hurt, with people in conflict. It may be the spouses who are in conflict or there may be a conflict between parents and children. In any case, we are dealing with people who are hurting. In the course of debate we should not lose sight of the fact that the Bill involves concepts that affect clients who are hurting.

As society moves into a much more congested era and we become compressed into urban areas, as people are squeezed closer and closer together, social tension is going to increase. As society is imbued with and adopts an egocentric philosophy where most attention focuses on the rights of the individual, we are going to move into more and more conflict because all of our individual rights are going to come into collision. When we bring together those two ingredients, the squeezing of society so that people are in closer juxtaposition, together with the egocentric philosophy of people, more and more pressure will be put on the family.

There is a hunger within all of us that cries for permanence, Mr. Speaker. In spite of the cry for individual rights and, many times, the justice of that cry, and as much as we want to focus on the rights of the individual, we must realize that the rights of the community also come into play. The health of the whole organism comes into play. One of the overriding hungers that we have is the hunger for permanence, for security.

As we debate the Bill we must keep in mind that the forces that are coming into play in society are setting us on a collision course which puts the family unit in jeopardy. On the other hand we must keep our ears open to the still sad music of humanity, and on the other hand we must listen to the victims of divorce.

We must also acknowledge that there is no such thing as creative divorce. There is a book on the newsstands which would have us believe that you can have creative conflict. In a divorce proceeding everyone loses, everyone hurts. There is no such thing as creative divorce. I am not denying that there are circumstances where divorce is necessary; I am not saying that divorce should never happen; I am simply saying that as we debate this measure we must take a long, hard, compassionate look at the consequences of the legislation and how it will impact on society.

This is a difficult Bill to debate for several reasons. There is a tendency on the part of all of us in the Chamber to closet ourselves into fixed positions and thereby isolate and automatically reject the views of others because we have already assigned them to vested positions. When we get a stated position from the Council of Catholic Bishops, for instance, it is all too easy to say that it will be opposed to divorce and to reject categorically and without examination what that position is. Because it stands at some distance, however, it may have an attitude of objectivity to the social aspect of this

question that some of us may not have. Is it not true that sometimes we increase our objectivity the further we stand back, that the closer we get to the problem and involved in the tensions of it, we lose our objectivity and our focus? We must be careful lest we reject categorically the views of those people whom we think have an iron-cold, vested position which we believe ought to be rejected because those people are already in a box.

It is also easy to reject the position of people who have a happy marriage. Several weeks ago I received a letter on this subject from a constituent. He wrote: "I cannot offer you any advice on this divorce Bill because I have been married to the same sweet person for 52 years". With all respect, Mr. Speaker, I would turn that around and say that perhaps this person, who has found the secret of happiness in marriage, has more to say to us than the person who is in tension and conflict. There is possibly some objectivity in his position. We need to be careful in this Chamber lest we disenfranchise those people we have already assigned to a fixed position.

It is difficult to speak to this Bill because we have to weigh the total effect of it on society, keeping in mind the individual cases that all of us know about and have been involved in. While we look at cases where families are being torn apart, realizing that there may be just and reasonable cause for the participants to enter into divorce proceedings, while we are debating a Bill that would loosen the restrictions on divorce proceedings, we must keep in mind the effect on society as a whole. As I said earlier, we must look at the total organism and not only at some members of society. All of us know of people who are in pain over divorce and all of us will acknowledge that there are people who are suffering as a result of faulty marriages.

Without any attitude of pomposity on our part, without adopting the attitude that we are absolutely right and that we have a reserved position, we need to keep in mind that while we want to help individuals we must also preserve the health and unity of the whole. We have a choice between the appearance of immediate relief to individuals as against the total health of the emotional and the humanitarian aspect of the whole.

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This is a difficult Bill to debate, Sir, because of the unrelenting and unforgiving aspect of universal laws. They are very precise and very demanding. They make no exceptions because of personality or social strata. As the name infers, universal laws apply to all. Just because after you fall off a building you change your mind because you made a mistake, that does not mean the law of gravity is going to change its mind and forgive you. The law of gravity is going to have a total impact whether we made a mistake or not. The law of combustion is a very unforgiving law. If you play with matches around paper, you will cause a fire. The law of combustion is not going to say: "Oh, I think you made a mistake; maybe we can impose a no-fault provision on playing with fire". The law of combus-