

attempt to get evidence that the partners were having an illicit relationship. On the other hand, there were couples who very much wanted a divorce. Therefore, they had to obtain the necessary grounds. They would hire professional correspondents to go to a hotel room with one or the other. They would get partially undressed and wait patiently for the private detective, hired in advance, to burst in and take a picture. That picture provided the necessary evidence of adultery so that a divorce could be obtained.

In the late 1950s and early 1960s, two Members of our Party, Frank Howard and Arnold Peters, forced changes in the Quebec divorce law by insisting on debating every single divorce that came before this House. Quebec divorces at that time could be gained only through an Act of Parliament.

As a United Church clergyman, I have officiated at hundreds of weddings. I must admit that I do not always feel very good when I look back on my performance and participation. I see young people and some not so young rushing into marriage with little or no understanding of what was involved. Counseling did not always seem to help very much. I explained to them that the wedding service takes place on at least four levels.

First, the wedding service is a legal procedure involving a marriage licence issued by the province, official witnesses and a clergyman who is licensed by the province. There is a formal registration and a full body of law attached to marriage so that after the wedding service people have a different legal status than before. On the second level, it is a social affair. People usually have some kind of reception. They invite their family, friends and sometimes the community, in recognition of the fact that society as a whole is involved in the wedding. Third, because they come to a clergyman, the wedding service is also a worship service. The couple acknowledge the presence of God as they make their vows, asking God's blessing upon their marriage. Finally, and most important, the wedding service is a very personal affair where two people make vows and a commitment to each other.

When this personal dimension changes, we have divorce. When we try to undo the legal entanglement from the first level, we have all the problems. The American writer Peter DeVries talked about some churches which he said were so modern that they made divorce almost a sacrament. The United Church is not like that, but we do recognize situations where the marriage relationship has broken down to such an extent that divorce becomes the most creative possibility. The Hon. Member for Surrey-White Rock-North Delta (Mr. Friesen) said that there is no such thing as creative divorce. He might have to admit that in some situations divorce would be the most creative possibility that a couple could face.

I am reminded of the situation in which a traditional set of parents were confronted by one of their children who wanted to obtain a divorce. The parents asked why he wanted a divorce. He said "Because we are not happy". The parents asked, "Who is happy? Do you think your mother and I have been happy all these years? Yet we stayed together".

Divorce Act

I am not sure that that attitude toward marriage and divorce is very helpful. It is good that we have moved beyond the hypocrisy of talking about divorce in hushed terms of scandal. It is good that we have moved beyond the fifties farce of private eyes and make-believe adultery. It is good that this Government has brought in legislation making marriage breakdown the only grounds for divorce.

The March, 1984 *Canadian Churchman* contained an editorial pointing out some of the problems with the present situation. It said, and I quote:

And the procedure now laid down by the Divorce Act is a legalistic, expensive and often humiliating experience for the couple and children involved. It is grounded upon an adversarial stance, presents grounds for divorce in the worst possible way and gives new light to old hurts.

Children often become pawns at the hands of one parent or another... Routine, uncontested divorce proceedings now cost between \$700 and \$1,000.

These costs should be cut by one-third to one-half if the proposed reforms are approved.

However, their value should extend far beyond the economic saving to the parties concerned.

They should eliminate the need for a child to go into a courtroom to testify against one or other of the parents. Such cases are traumatic for children, but sometimes necessary under the current law.

Most divorces are painful enough without one partner having to prove that the other was at fault. There are probably situations where one partner is clearly at fault, but it has been my experience that in most relationships fault or blame is not a helpful concept. The New Democratic Party has been calling for no-fault divorce since 1967 when it passed a resolution to that effect.

After divorce, most couples have to find some *modus operandi*. If there are children, there are visiting rights and access. The less hurt, the better. To focus on the whole idea of where blame should be assigned or who is at fault is not helpful in this context. Consequently, we support the provisions of this Bill that make no-fault divorce possible, even though the Conservative Party seems to stumble over that phrase.

Unfortunately, the failure of this Bill to deal with the question of maintenance makes it impossible for us to support the Bill. The Bill ignores the complex nature of marriage and suggests that divorce is simply a matter of two people cutting their losses while the band plays thanks for the memories, no tears, no fuss, hurrah for us.

There is the matter of maintenance payments, which cannot be ignored. More than one-half of all divorces involve children, and in 85 per cent of divorces involving children, the mother gets custody. Mothering traditionally takes the woman out of the labour force for a number of years. As a result, a divorced woman with children either has no outside job or one with a very limited income. It is known to all Members of the House that, on average, women earn only 60 per cent of the average male income. This has a direct relationship to divorce because 45 per cent of all single-parent families headed by women live under the poverty line. For women with children, divorce is too often a shortcut to poverty. This is also the case with the 10 per cent of divorced women over 50 who have been homemak-