

By MARVIN ZUKER

From The Silhouette

As society has developed, so have its needs and with them there have been changes in the concepts of law and the relationships of those concepts to prevailing moral consideration.

The family is a good example. The institution of marriage is closely interwoven with that of property, and many of the legal consequences of marriage reflect this fact. The standard middle class definition of a family today is a mother and father legitimately married with two or three legitimate children. If you happen to prefer a pre-marital arrangement, some type of communal living, or simply have become unwed parents, then you would obviously not fall within this definition.

Eight times as many U.S. couples are living together today without being married as cohabited ten years ago. That judgement is based on a new study being made by Dr. Paul C. Glick of the United States Census Bureau population division.

In 1970, 143,000 unmarried persons told the census-takers they were living with a partner of the opposite sex, compared with 17,000 in 1960; obviously there are millions more who do not volunteer this information to strangers, but a trend toward cohabitation outside of wedlock is discernible.

Many couples who will neither marry nor kick the cohabit say that their in between status perfectly suits their needs. They usually do not want children (the birth rate has been declining, partly because of the acceptance of contraception) and they want independent careers.

The marriage relationship per se

stop kidding yourself...

*You're a nice girl, sure. All through school you knew that there were a lot of girls who had sex, you knew you weren't one of them.*

*Some of the girls were taking the pill, or talked about IUDs or the diaphragm, but some people will talk about anything. You aren't the kind of a girl who would use anything.*

*Boys don't respect girls like that. Now you're on your own. It's great, boys and girls being able to visit back and forth without those phony restrictions. You go to parties — you can hardly go to a party anywhere without somebody there smoking grass. There's always liquor, at least beer. And, everybody goes on ski weekends.*

*And, you met him. . .*

*Now, you're pregnant, or afraid you are. You didn't mean to. You didn't plan it. You're a nice girl. STOP KIDDING YOURSELF, BABY. . .*

*There are only two kinds of*

illustrates the inter-connection of law with the ethics of society. Thus in *Hyde v. Hyde* the House of Lords referred to "marriage as that understood by Christendom . . . the voluntary union for life of one man and one woman to the exclusion of all others."

In recent years there has been a great deal of evidence of a retreat from marriage. Not only have the divorce rates risen but there appears to have been an increase in irregular unions of both a long and short duration. In addition, while the illegitimacy rate throughout the world seems to be increasing, there is a growing public feeling that the illegitimate child is not to blame for his predicament and so should not be subjected to any form of legal discrimination. In the United Kingdom (and in a recent Ontario case,) this has now been recognized by the law.

There are a few reported judicial decisions where our courts have given recognition to a "common law" wife but these examples are generally where two people have actually married but some formal part of the Marriage Act was not fulfilled. One of the most frequent questions asked, particularly by women, is what are my legal rights in a common law relationship? What am I entitled to? What disadvantages are there to such a relationship and what

*honest girls: Girls with the courage of their convictions to have responsible sex and girls with the courage of their convictions to remain virgin until they're married. Being the first kind means that you use contraception.*

*Being the second kind means that you don't go to parties where there will be a lot of drinking. It means you don't spend hours and hours alone with him going a little further each time. It means that you don't lie to yourself that you can't get pregnant, or that you can't get pregnant just this once, or that you're too young. It means that you don't believe him when he says that he can't get you pregnant. It means that you don't get so involved with him that "it just happens".*

*And if you're too embarrassed, too scared, too ambivalent to decide which kind of girl you are. .*

*You'd better go back home and stay there until you grow up.*

**STOP KIDDING YOURSELF, BABY. YOU CAN'T HAVE IT BOTH WAYS.**

# THE ART OF MAKING



Photo by Jerome Kashetsky

disadvantages does such entail?

The obligation of a husband to support his wife has been absolute and has arisen out of the consortium or that unity of legal entities which was affected by the marriage. Upon marriage, a woman's legal existence became merged with that of her husband — she was unable to incur any legal transactions on her own and

was completely dependent upon her husband for her sustenance. Accordingly, the law imposed upon the husband an obligation to support her in the absence of matrimonial misconduct on her part.

If a wife wishes to obtain maintenance from husband numerous courses are open to her depending on many factors:

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*Ideally, sex is an expression of love in a relationship in which the individuals concerned are honest and mature enough to acknowledge that emotion to themselves and to each other and to take responsibility for its expression.*

*In such a relationship, this responsibility recognizes the need to make a decision regarding birth control: when and if children are wanted, and how to avoid having them until such time arises that they are wanted.*

*Although the motivation for sex may not always be love, the obligation to make use of birth control still remains and, in such circumstances, may even be greater. Those immediately concerned in the relationship may be able to justify their actions to themselves, if not necessarily to each other. However, this might become harder to do if faced with an unwanted child or the prospect of the more drastic form of birth control, abortion.*

*Many argue that the individual should have the right to use or control his body in the way he chooses. However, to this as-*

*sertion must be added the stipulation that this be achieved without detriment to others, particularly those who are as yet defenceless.*

*While this is a right which is frequently denied the individual, progress has recently been made in this direction with a variety of birth control methods becoming more readily available and with the legalization of abortion for therapeutic purposes. Now that the burden of unwanted pregnancy has been lifted, women are increasingly able to enjoy the sexual freedom which has long been solely the prerogative of men.*

*Yet it is noteworthy that despite the growing availability and variety of birth control methods, the number of therapeutic abortions performed annually continues to escalate. During the first six months of 1973, 18,101 therapeutic abortions were performed in Canada, as compared with 14,188 in the corresponding period in 1971.*

*An unwanted pregnancy often creates emotional havoc as the resultant financial and-or psy-*