

differ widely in their religious and ethical beliefs and hold differing views on the institution of marriage and the status of divorce. Our society believes in religious freedom, indeed in freedom of belief generally; it does not believe that the ideas and creed of any one section of the community should be forced unwillingly upon all of society's members. Witnesses before your Committee have stressed:

"That those whose religious principles are against divorce in any form should no longer be able to impose restrictions on the lives of those whose principles are different in this respect."

This view has been unchallenged and the representatives of the Churches appearing before your Committee have wholeheartedly endorsed it. "The Christian Church no longer has the right to enforce its views on a pluralistic society", declared the Baptist Federation of Canada, a view endorsed by the Catholic Women's League of Canada:

"While we do not believe in divorce ourselves we cannot expect the laws of the country to be used in such a manner as to prevent those, who unlike ourselves do not believe that marriage is monogamous and indissoluble, from acting in accordance with their own religious convictions. . . We would also emphasize that while we have beliefs in the matter of marriage, we do not wish to impose those beliefs on the entire Canadian society through the medium of civil law."

Your Committee thus accepts the proposition that marriage is the foundation of the family and of social organization. It believes that marriage should be essentially monogamous and for life and any divorce law should have as its primary objective the reinforcement of the stability of marriage and not its destruction. Nonetheless, it recognizes that some marriages do fail and irretrievable break down. Once this happens, nothing is to be gained by preserving the empty shell. It should be removed with "the maximum of fairness, and the minimum of bitterness, distress and humiliation." (Cmnd. 3123, p. 10) Divorce should not be made so easy that there is no inducement to overcome temporary troubles and to make the marriage work. Nor should the form and procedure of the divorce courts hinder or hamper attempts at reconciliation. Indeed, when possible they should actively promote it.

It renders no respect to the institution of marriage, and does little to help its stability, to preserve in form marriages that have ceased to exist in fact. To do so merely encourages illicit sexual unions, "common law" relationships and the procreation of illegitimate children. Far from preserving the institution of marriage, it encourages disrespect for it. That a person should wish to be freed from one marriage so that he can contract another, as an alternative to establishing a common law relationship, shows respect for the institution of marriage, not contempt.

Divorce law should make it possible to dispense with the legal bond of matrimony when it has ceased to have any reality in fact. To quote the English Law Commission: "If the marriage is dead, the object of the law should be to afford it a decent burial." (p. 11) Equally important, if the marriage is to be dissolved, it must be done with justice to all concerned. This means not only with justice to the partners but also to the children of marriage, who may be the innocent victims of their parents failures and mistakes. The marriage should also be dissolved in a dignified manner. This means not merely the observance of traditional court proceedings but also the recognition of the dignity of the unfortunate spouses themselves as human beings, thus causing the minimum