

*Dissolution of Marriage*

is, and can generally screen them before they come before the courts. As an example, when a lawyer petitions for divorce on behalf of his client, there is a duty upon him, if the petitioner has himself been guilty of adultery, to disclose that fact to the court, because there is a discretionary bar against the granting of a divorce if the court wants to exercise its discretion accordingly.

I have read newspaper and magazine articles charging that most of our divorces are based on collusive evidence. When the hon. member talks about buying a divorce, I certainly do not buy that statement in any shape or form. But I do go along with the hon. member on this point, that if it is right to have a divorce law at all in Canada, then it is right to have the kind of law which will enable the people of this country to obtain a divorce with dignity, compassion and justice.

Therefore, I should like to break up my address this afternoon into three parts, but before I do so I should like to put this premise before the house. I think you have to look at this question carefully, because as everybody knows it is rather a hot potato in this country, a country of different cultures and different religions. Even in our bill of rights, which was introduced by this government and which was always a matter very dear to the Prime Minister, it is spelled out that we should have freedom of religion. In fact, this freedom was granted to the people in this country even before it was granted to the people in Great Britain. Therefore, first of all we must respect other people's viewpoints. It depends whether you look at the matter from an ecclesiastic viewpoint and whether you say that marriage is a holy union based on the law of God, or whether you say that it is a legal, civil contract. Some people feel that there should not be any divorce at all, that divorce should not be granted by any court or parliament or any other body. But I say in all sincerity that if we are going to have a divorce law in this country it should be the kind of law which will serve the individual with dignity, compassion and justice.

Therefore, as I say, I want to break up my address this afternoon into three parts. First of all, if divorce is right at all in Canada—and I go along with the hon. member in this regard—then we need reform by extending the grounds of divorce. Second, we should do away with having these divorces come before parliament and the other place; I agree with that. Third, the question of jurisdiction, which is based on the domicile of the male spouse—there are some exceptions to that which I will deal with in a moment—should be changed. But I come

back to my original premise that, if it is right to have a divorce law at all in this country, it should be a law which will serve the individual in this country.

When you analyse it, it is not a new problem. All countries have had this problem. All civilizations have had to face this problem where man and wife have united in marriage and difficulties have arisen. You have only to read chapter 24 of the book of Deuteronomy, and I referred to this the last time I spoke on this bill. This question is dealt with in the Holy Book itself as follows:

1. When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.

2. And when she is departed out of his house, she may go and be another man's wife.

3. And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife;

4. Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the Lord; and thou shalt not cause the land to sin, which the Lord thy God giveth thee for an inheritance.

So that when we look in the Old Testament we find this was a problem in those times; so it is not a new problem, and certainly not a new problem in Canada.

I agree with A. P. Herbert, who was one of the great reformers in Great Britain who fought for reform of the divorce law, and who based his argument exactly on what we are talking about today, when he said that if divorce is right at all the grounds should be sane grounds in the sense that they serve the average individual in the country. I think he draws a pretty good example on this question at page 17 of the book to which my hon. friend in the corner referred, "Holy Deadlock".

At page 17 he states as follows:

Very odd. And yet the wise and pious state took no trouble at all to prevent the young man from making the mistake, to impose delay between the decision and the fatal step. A decree of divorce was not made absolute until six months after the wise judge had decided that there ought to be a divorce—for fear the wise judge might have made a mistake. But there was no decree nisi for marriage: the foolish young man could tie himself up for life seven days after he had made his decision by walking into a register office and filling up a form or two. Very odd. All those laws and regulations to prevent a man from eating the wrong things, drinking the wrong things, seeing the wrong pictures, reading the wrong books, working in the wrong way—but nothing at all to prevent a man from marrying the wrong wife.

Or put it vice versa. I suppose what he is saying is briefly that the law will forgive you for any error, particularly if you are a