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The history of women's right to divorce

In the last century, women have slowly, but surely, gained a lot of the freedom and rights they lost to men long ago. Even though they still do not have all equal rights to men, they have acquired a lot of autonomy compared to a century ago. Since women did not have a voice in society; they could not vote, thus never speak their mind. Their status even prevented them from divorcing their spouse as easily as a man could. However, "since 1968 [...] society has become more tolerant of separation and remarriages" (Douglas 4).

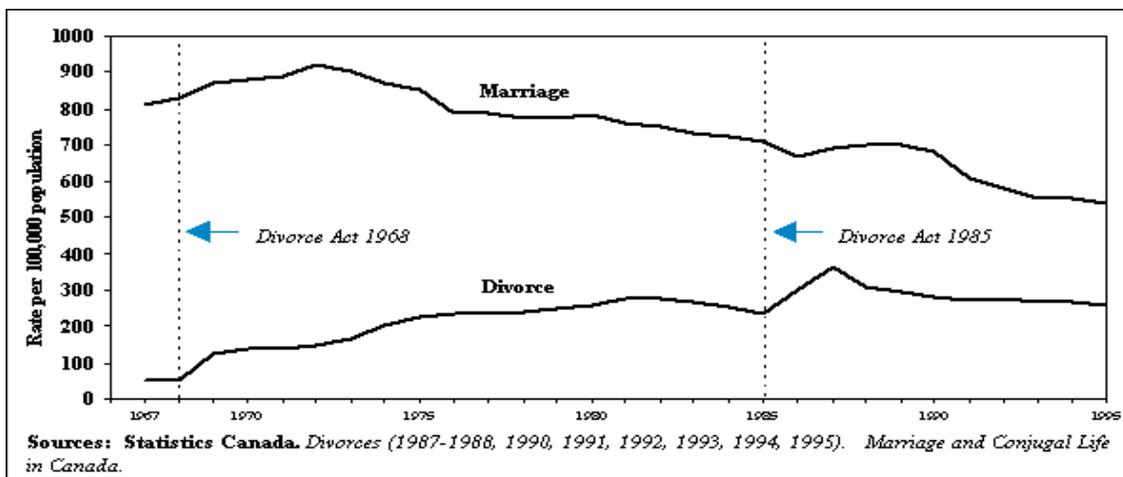
Before 1968, there were no federal laws in Canada for divorce, and most jurisdictions, with the exception of Quebec and Newfoundland, followed the *Matrimonial Causes Act* of 1857. The Act permitted a husband to divorce his wife if he was able to prove adultery. However, a wife had to prove that her spouse had not only committed adultery, but also incest, rape, sodomy, bestiality, and bigamy coupled with cruelty or desertion (Douglas 5). Women could not get out of an unhealthy marriage if they did not have proof of a marital sin.

However, things took a turn for the better and the evolution of society's customs resulted in an adjustment of the divorce law. In 1968, the *Divorce Act* was introduced and its changes from the *Matrimonial Causes Act* of 1856 were major. First, it retained

all the fault-based grounds for divorce, such as adultery or cruelty, and brought in the concept of “permanent marriage breakdown as a ground for divorce” (Douglas 5). But more importantly, the changes made in the *Divorce Act* were available equally to men and women, thus women did not have to undergo different processes in order to divorce, and could now share the same rights as men regarding that legislation.

Changes in divorce legislation also had an impact on the number of marital dissolutions in Canada. Before World War I, the country had one of the lowest divorce rates due to social and religious leaders who believed divorce was a threat to the family, and they strongly enforced their beliefs by strict laws (Ward). Since the *Divorce Act* of 1968 came into effect, “marriage and divorce in Canada have undergone profound changes that have substantially altered the meaning of marriage”. (The Canadian Encyclopedia) Changing the divorce legislation resulted in a greater number of separations because women had more freedom when it came to their reasons for requesting a divorce.

In conclusion, equality between the spouses in a divorce was a step forward to reaching total equality between the genders. It allowed women to reach a higher degree of autonomy, which they had lost long ago to the patriarchy.



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