

# New Wine in Old Bottles

## The Changing Face of Canadian Marriage

*[The last issue of Humanist Perspectives (No.197) inadvertently omitted a section of an article entitled On Why the Institution of Marriage Refuses to Fade and Die and What Humanists Should Do About It. In this issue the author, Lloyd Robertson, explains why the missing data was important and he adds new material from a recently completed study of humanist marriage in Canada.]*

### Lloyd Hawkeye Robertson

A respondent to a recent national survey said marriage fails to reflect the “modern reality” (Robertson, 2016a).

This sentiment, common in the 1960s, viewed marriage as an institution for female oppression, and many believed its popularity would surely decline with the advent of gender equality. Despite such presumptions of patriarchy, most brides in my youth seemed more enthusiastic than their husbands-to-be. The Victorian ideal of marriage was shrouded in Christian tradition. The two were to “become as one,” hence their properties and even their wills were to be joined. Since “the man is the head of the house as Christ is the head of the church,” their will was to be expressed by the male in the relationship. Men were to provide for their wives and families while women typically had responsibility for hearth and home. Men who failed in their role were shunned and ridiculed (George, 2007).

Modifications to this Christian ideal had been occurring for centuries. To rectify the dis-

crimination of allowing single women property rights denied married women, the US state of Massachusetts passed a Married Women

Property law in 1814, and during the 19<sup>th</sup> century married women’s property rights were affirmed in most English-speaking countries. Marriage continued to be legally, as well as religiously sanctified and fault, such as adultery, had to be demonstrated to initiate divorce.

Canada’s divorce laws were liberalized in 1968, and by 1977 the yearly divorce rate had almost tripled (from 2 to 5.5%). Three quarters of divorces were initiated by women. With the presumption that much of this gender difference represented women in abusive relationships,

legal protections were increased and educational efforts were made to eradicate male violence.<sup>1</sup> With a presumption that married women not in the workforce were contributing equally to the increase of family income, laws were passed ensuring that divorced women receive half of matrimonial property. The Victorian assumption of female primacy in child rearing was

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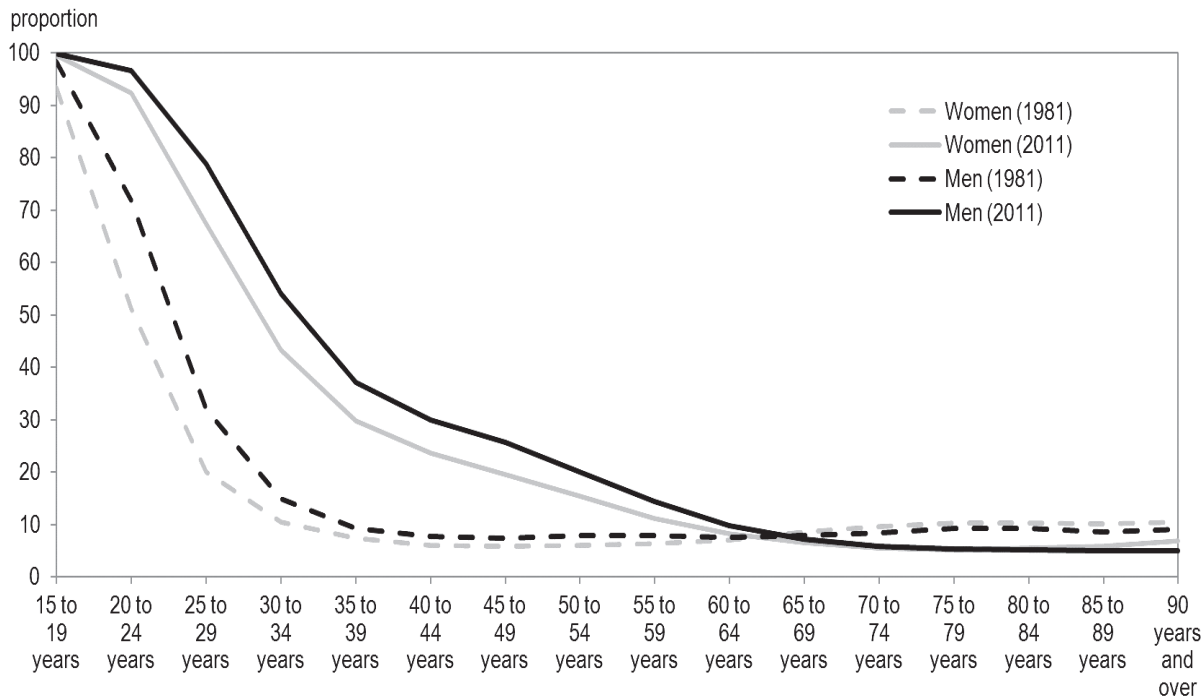


Figure 1: Proportion of population aged 15 and over that was never legally married by age group and sex, Canada, 1981 and 2011

maintained and applied to custody and access laws. The assumption of male financial responsibility was also maintained and strengthened in increased court enforced support payments. Despite these changes, or perhaps because of them, the rate of divorce as a percentage of marriages has slowly declined, but it continues to be double the rate in the 1960s. Since 75% of divorces continue to be initiated by the wives involved irrespective of the efforts to ensure that the institution is less oppressive, it can be concluded that the majority are seeking divorces for other reasons.

Figure 1 illustrates the demographic effect of delayed marriage for both sexes. The majority under thirty choose to remain legally unmarried with the proportion of

men in that demographic who were never married increasing from 15.0% in 1981 to 54.0% in

2011. For women, the increase was from 10.5% to 43.4%. But by age 64 men and women are as likely to have been married, at least once, as their age peers thirty years ago. While it is possible that this trend could yet change again, people are marrying now, not as a rite of passage in their early twenties, but as a ritual that has personal meaning to them later in life.

During the last half century, the Canadian government has been conducting a massive social experiment undermining legal,

financial and social supports for traditional marriage while increasing recognition of common law unions. The results are in. While the onset

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of first marriage has been delayed by approximately six years for both sexes, couples eventually choose legal marriage. Since those declaring themselves to be of no religion increased from 12.3% in 1991 to 23.9% in 2011 (*Religions in Canada - Census 2011*), the persistence of legal marriage cannot be attributed to religious belief. Since common law unions predominate in the younger cohort, legal marriage cannot be viewed as a prerequisite to cohabitation. Legal and financial support afforded single-parents, affirmative action, and equality of opportunity in the workforce have reduced a need for women to enter into unsatisfying marriages for economic reasons; therefore, we must therefore consider the possibility that marriage satisfies a psychological need to mark the occasion with a culturally recognized ceremony (see: Robertson, 2016b). In 2015, I was commissioned by Humanist Canada to investigate how humanists have been meeting this need in Canada.

### **Secular weddings in Canada: The Humanist response**

Traditionally judges, mayors, ships' captains and other public officials could legally solemnize secular weddings and, to some extent, still do. In response to an increasing demand for secular weddings, most jurisdictions in Canada have legislated provincially regulated marriage commissioners. Ontario is the only jurisdiction recognizing Humanist Canada solemnizations, and 640 such weddings were performed in 2014.

Differences between provincial marriage acts have led humanists to adopt diverse localized strategies. With two marriage commissioners in their membership, and with the

provincially mandated flexibility to create individualized meaningful ceremonies, humanists in a Manitoba focus group expressed the view their ceremonial needs were met. Unsatisfied

with the provisions governing marriage commissioners in their provinces, humanists in British Columbia and Quebec have unsuccessfully applied to their provinces for the right to solemnize their own weddings. Humanists in both British Columbia and Nova Scotia have expressed an interest in bringing in Humanist Canada to solemnize marriages in their provinces under legislation allowing such privileges to national organizations with local affiliations.

Focus groups convened in western Canada and a national online survey found agreement that humanism represents a distinct philosophy and humanist officiants should not be compelled to conduct ceremonies that are not in accord with that philosophy. Such an ethical worldview would prevent humanist officiants from conducting ceremonies promoting racial or gender inequality, for example. There was also agreement by online and focus group respondents that humanism cannot be represented by a creed because humanists present a spectrum of values, beliefs and traditions, and meaningful ceremonies need to be individualized to recognize diversity.

The picture that emerged from this research is that non-religious couples view their marriage as a personal, as opposed to political, issue. They survey the possible resources in their communities and develop wedding plans accordingly. In one province, they seek out humanist officiants in significant numbers. In other provinces, they use marriage commissioners, other provincial designates or churches. They may conduct their own personal ceremony

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separate from the legal provider. In one way or another, the psychological need for ceremony is serviced. Organizations like Humanist Canada would be well advised to promote the virtues of humanist ceremony widely among the public as a value added service.

Although marriage commissioners could fill the needs for humanist weddings, and do in at least one jurisdiction, they remain agents of the crown subject to government directives. The alternative for humanist organizations currently is to apply for the right to solemnize weddings under those sections of provincial marriage acts governing religious bodies. If humanists do not wish to be labeled as a quasi-religion, or if they are unsuccessful in their attempts to be recognized as such, they will need to lobby for new legislation specific to secular humanist weddings. •

## Notes

1. Research during the 1990s revealed that at least half of domestic violence was, at least by this time, female initiated (George, 2007; Kelly, 2002; Kwong, Bartholomew & Dutton, 1999).

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