

Feminist Influence Through the Senate: The Case of Divorce, 1967

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ABSTRACT

Questions about Canadian women's ability to create political, legal and social change are addressed as the authors investigate the links between women's organizations and Canadian women senators. The study of women senators' interests, associations with women's organizations and Senate committee work, highlights the influence of Canadian women in politics. Particular attention is paid to the relationship between Senator Muriel Fergusson and the National Council of Women in relation to the Council's representations made to the Special Senate-House of Commons Committee on Divorce in 1967.

RÉSUMÉ

En étudiant les liens rapprochant les organismes féminins et les femmes nommées au Sénat du Canada, les auteures abordent les questions concernant la capacité de la femme canadienne de créer des changements politique, légaux et sociaux. L'étude de l'intérêt que portent les femmes sénateurs aux organismes féminins et aux travaux des comités du Sénat met au premier plan l'influence de la femme canadienne dans le domaine de la politique. Une attention particulière est portée au rapport entre la sénateure Muriel Fergusson et le Conseil national des femmes concernant les représentations faites par ce Conseil, en 1967, au Comité spécial du Sénat et de la Chambre des communes sur le divorce.

Introduction

In the study of women in Canada's political life, a variety of questions has been explored. Both Brodie (1985) and Bashevkin (1985) have looked at the number of women in the elected legislatures and political parties, how they got into positions and how they fared in these roles. Women in the justice system in Canada are under study in relation to their representation in law (McKie, 1986) and, in the Supreme Court of Canada, their judicial decisions. While Madame Justice Claire L'Heureux-Dubé has only recently been appointed, the decisions of Madame Justice Bertha Wilson are under analysis (cf. Eberts and Laskin, 1987). There are numerous biographies of women in political life. Biographies and judicial decisions are especially interesting because they begin the exploration of the particular influence which women in such positions have on legal and policy decisions which affect the lives of Canadians.

The Senate of Canada first received a woman senator in 1930 after the famous Persons Case was settled in favour of women in 1929 (cf. Marchildon, 1981). Since then twenty-six women have sat in the Senate, thirteen of whom have now left the Senate and/or have died. While the Senate is not a decision-making body of the same significance as the cabinets of governments or of the courts, it is an influential body whose members are similar in powers to the House of Commons backbench. Party discipline is not as rigorous in the Senate as in the House, but senators as individuals have tenure until age 75 (at least since 1965). Individual influence is also felt because so much legislation is reviewed, amended and voted upon in long years of Senate work. Do senators have influence upon policies affecting women in Canada? The answer must be "yes," probably as much as backbenchers. Do women senators have any special influence on these issues? The answer to this question is the subject of this study which introduces some of the characteristics and experience of the thirteen

women senators who are no longer in the Upper Chamber and focuses, for illustration, on one case in particular. The case is the reform of the divorce laws and the work of Senator Muriel McQueen Fergusson of New Brunswick. Senator Fergusson, as a member of the Special Joint Committee on Divorce (1966), built upon the long standing interest of senators in the divorce question but more particularly on the long standing interest of the National Council of Women of Canada (NCWC) and the Canadian Business and Professional Women's Association (CBPWA). Senator Fergusson combined membership in all these organizations. Analysis of the public record shows how influence is effected.

The Senate Of Canada

The Senate of Canada was the subject of extensive discussion at the time of Confederation and its reform has been the subject of even more extensive debate since then. Most work has paid attention to the means of appointment to the Senate, some to the work of the Senate in special committees, and, among political scientists in particular, to the influence which senators with business interests exert on Cabinet and Parliamentary decision-making (cf. Campbell, 1978 and McMenemy, 1987). The latter expresses the view that, because some senators sit as directors of corporations, those corporate interests exert influence on legislative issues. There is no direct evidence of this available but inferences are drawn from the roles played inside and outside the Senate. These researchers suffer from the same shortage of direct data as we do. Most women senators have not been directors of large corporate interests (or even small ones) but all thirteen women senators under study here have listed in their Parliamentary biographies their membership and offices held in women's organizations in Canada.

Women's organizations have been powerful in Canada at least since the late 1870s when a variety of voluntary associations of a religious, social and suffrage nature offered women an opportunity to influence public life (Strong-Boag, 1977). These organizations were concerned with social reform on behalf of the aged, poor, sick and socially disadvantaged and with the suffrage question for women. It is these major organizations in which women senators have been active.

Senators As Activists

Since the appointment of Senator Wilson, there have been twenty-five women admitted to the Upper House. Table I shows all women senators listed by year of appoint-

ment, province of representation, caucus membership while in the Senate and year of retirement from the Senate.

TABLE I
Canadian Women Senators 1930-1987
(Order of Appointment)

Yr. of Appt.	Name	Province	Yr. of Retirement	Caucus Membership
1930	Cairine Wilson	Ontario	1962+	Liberal
1935	Iva Fallis	Ontario	1956+	P.C.
1953	Muriel McQueen Fergusson	N.B.	1975	Liberal
1953	Nancy Hodges	B.C.	1965+	Liberal
1953	Marianna Beauchamp			
	Jodoin	Quebec	1966+	Liberal
1955	Florence Inman	P.E.I.	1986+	Liberal
1960	Olive Irvine	Manitoba	1969+	P.C.
1960	Josie A.D. Quart	Quebec	1980+	P.C.
1967	Mary Kinnear	Ontario	1973	Liberal
1970	Thérèse Forget			
	Casgrain	Quebec	1971+	Ind.
1970	Ann E.H.H. Bell	B.C.	*	Liberal
1971	Renaude Lapointe	Quebec	1986	Liberal
1972	Margaret Norrie	N.S.	1980+	Liberal
1972	Joan Neiman	Ontario	*	Liberal
1978	Margaret Anderson	N.B.	*	Liberal
1978	Florence Bird	Ontario	1983	Liberal
1979	Dalia Wood	Quebec	*	Liberal
1979	Yvette Rousseau	Quebec	1988+	Liberal
1979	Martha Bielish	Alta.	*	P.C.
1984	Anne C. Cools	Ontario	*	Liberal
1984	Lorna Marsden	Ontario	*	Liberal
1984	Joyce Fairbairn	Alta.	*	Liberal
1984	Brenda Robertson	N.B.	*	P.C.
1986	Mira Spivak	Manitoba	*	P.C.
1986	Ethel Cochrane	Nfld.	*	P.C.
1986	Eileen Rossiter	P.E.I.	*	P.C.

+ Deceased

Source: *Canadian Parliamentary Guides*, 1930-1988, Ottawa

Sources such as the Canadian Parliamentary Guide provide original evidence of senators' activities and interests as each senator is asked to prepare a biographical sketch upon initial appointment and to revise it from time to time. Apart from these materials, the official proceedings of the Senate (debates and committee minutes) offer an idea of the interests of these senators. Decision-making

meetings are customarily held *in camera* so no record exists. However, apart from this, it is difficult to locate material on early women senators to discover the exact nature of their views on subjects of interest to women and their influence upon the decisions of the day. A study of current senators, however, would reveal that considerable influence is wielded quite regularly in Party caucuses, in public and *in camera* committee meetings, in voting and through personal representation. One must presume that this was the case of those senators now gone and that their views were formed, in part, by their work in and on behalf of women's organizations.

The organizations to which women senators belong and which have asserted the rights of women are various kinds. Virtually all senators are active in their own political party and its women's wing. Women senators have been active in religious and social welfare associations and in organizations established solely for the purpose of promoting the rights and status of women.

In Table II, we list the voluntary association memberships of those first thirteen women as portrayed in their Parliamentary biographies. It should be noted that a great many women senators were members of leading national women's organizations such as the National Council of Women of Canada, the Canadian Federation of Business and Professional Women's Clubs, the IODE, the Fédération des Femmes de Québec, the Women's Canadian Club, the Women's Institute, the YWCA and the Catholic Women's League. We can examine, then, the possibility of influence being exerted on debates of the Senate through these organizations.

Senate Committee Membership

Table III shows the committee membership of each of the thirteen former senators. Committees of the Senate are the medium through which the work of the Senate goes forward (Marsden, 1987). There are four types of committees: standing, special, committee of the whole, and joint committees with the House of Commons. The title, nature and number of standing committees varies but each senator is named to at least two. The composition of the other categories is established as the occasion arises and as the rules dictate.

The amount of time a senator can spend on committees is determined by the amount of time she serves in the Senate. The length of membership of each senator has been noted in Table I.¹

TABLE II
Voluntary Associations of Women to Which
the First Thirteen Women Senators
List Membership

Association Name	Senate Members
Association Maternal	Jodoin
Canadian Federation of Business and Professional Women's Clubs	Fergusson, Hodges, Jodoin, Quart, Kinnear, Inman
Canadian Research Institute for the Advancement of Women	Bird, Lapointe
Catholic Women's League	Quart
Dames Bienfaitrices des Sourdes et Muettes	Jodoin
Elizabeth Fry Society	Inman
Fédération des Femmes de Québec	Casgrain
Federation of Women's Institutes of Canada	Wilson, Fergusson
Imperial Order of the Daughters of the Empire	Fergusson, Quart, Inman
Ligue des droits de la femme	Casgrain
National Council of Women of Canada (includes local and provincial branches)	Wilson, Fergusson, Fallis, Bird
Voice of Women	Casgrain
Women's Volunteer Service	Quart
Young Women's Christian Association	Wilson, Quart

Source: *Canadian Parliamentary Guides*, 1980-1983, Ottawa.

Furthermore, senators choose their own committee membership in the Senate and the choices made by women senators indicate interest in such topics as divorce, aging, poverty, abortion, legal rights, employment issues and other matters concerning the status of women as well as interests in economic and other matters. Senators go on and off committees frequently depending upon the committee's agenda and each senator's work load.

Committees of the Senate have two functions, legislative and investigative. In its legislative capacity, the Senate uses the committee system to examine bills as they come from the House of Commons. All legislation that passes through the House of Commons is subject to Senate approval.

In the investigative sense, the Senate can use the committee system to examine topics that are of timely interest to the nation. Divorce, agriculture, poverty, the constitu-

tion and youth have all been the subject of special Senate committees. Very often these special committees reflect the interests and experience of senators.

The Case Of Divorce

Divorce has been a matter of key importance to the Senate since Confederation. The Parliament of Canada was the body that granted divorce in this country. Although the Parliament of Canada had sole jurisdiction over divorce, it remained to the provinces to enact laws concerning grounds for divorce and jurisdiction devolved in some cases. For example, Ontario obtained jurisdiction from the federal government to enact divorces only in 1930. Until 1968, Quebec and Newfoundland had no divorce laws of their own and divorces of inhabitants of those two provinces could only be obtained by petitioning Parliament. In the 1880s, a special divorce committee was created in the Senate to receive these petitions. The Senate committee heard evidence and recommended action which then went to the full Senate for approval and eventually passed through the House of Commons as private member's bills.

In other provinces, divorce laws had been inherited directly from Britain at various points in history meaning that grounds and conditions varied from province to province (Backhouse, 1986). In the history of divorce legislation, it is noted that when women received the vote (federally in 1918 and in most provinces around that period except 1940 in Quebec), they began to lobby for changes to legislation concerning marital property, the guardianship of children and other divorce issues. Until that period, there was a double standard in the right to sue for divorce. Between 1857 and 1925, a husband could obtain a divorce on the grounds of adultery, whereas, the wife had to prove adultery and one additional ground such as desertion, bigamy, sodomy or bestiality. In 1925, as a result of women's efforts, this double standard was removed and adultery became the fundamental ground.

A great deal of agitation on the matter of divorce occurred in the Senate because of the necessity of examining individual petitions. One historical study of divorce reports that "a divorce bill establishing a uniform divorce process for Canada (excepting the province of Quebec) was passed in the Senate in 1920 but died in the House of Commons" (McKie, Prentice, Reed, 1983: 46). These authors note that, although in the 1940s there was very little concern with divorce and the major Canadian churches of the day — the Roman Catholic and Anglican

churches — refused to cooperate in reform of divorce, there was considerable discussion. In 1941, J.F. Woodsworth introduced a Private Member's Bill in the House of Commons that would have extended divorce to include the grounds of desertion, insanity and cruelty. The Bill died but in the Senate the discussion of the grounds for divorce continued. In 1943, a senator got Senate approval for a bill which added presumption of death to the grounds for divorce. Two attempts were made by senators to remove divorce from Parliament into the courts. Both were unsuccessful. Agitation continued throughout the 1950s on the question of divorce, especially the issue raised in the Senate of transferring divorce bills to the Exchequer Court.

The Standing Committee on Divorce in the Senate was a very overburdened committee especially in the post-war years. A number of women senators served on the Committee from time to time (see Table III). Even with only Quebec and Newfoundland having their divorce petitions heard in the Senate, there were about 400 or 500 private members' bills for divorces in each session. This massive amount of work in the Senate, which was then passed through the House of Commons in a block, resulted in frustration on the part of senators and members of Parliament to the point where the M.P.s blockaded the bills. In 1962, 327 divorce bills passed the Senate but not the House of Commons; in 1962-63, 494 more bills passed the Senate but not the House. By the time that almost a thousand bills were awaiting passage, all parties agreed that divorce reform was necessary and a bill was passed which gave the Senate authority to grant resolutions on divorce with an officer of the Senate appointed to hear evidence and to report to the Senate (*Proceedings*, 1966-67, Vol. 1-13:40).

With the election of a new Liberal government in 1963, the Dissolution and Annulment Act was passed, which gave the Senate sole jurisdiction in the granting of divorces, but did nothing to extend the grounds for divorce. Finally in 1966, however, a Special Joint Committee of the Senate and House of Commons was established on divorce. As well as drafting a new divorce law, the Committee held public hearings and made recommendations. New legislation emerged in 1968 based on the study of that Joint Committee.

Various women's organizations had had a long term interest in divorce reform. In the early 1960s, the Canadian Federation of Business and Professional Women's Clubs (CFBPWC) had petitioned the Prime Minister regarding the Divorce Jurisdiction Act. In the delegation sent to meet

TABLE III
Senate Committee Membership of
First Thirteen Women Senators
(Selected Committees)

<i>Standing Committees</i>	<i>Senate Members</i>
Banking and Commerce	Wilson, Fallis, Irvine, Fergusson
Immigration and Labour	Wilson, Fallis, Hodges, Fergusson, Quart
Health and Welfare	Wilson, Fallis, Jodoin, Inman, Fergusson, Quart, Irvine, Kinnear, Norrie, Bird
Divorce	Hodges, Fergusson, Inman, Irvine, Quart
Finance	Quart, Irvine
Legal and Constitutional Affairs	Fergusson, Quart, Lapointe
<i>Special Committees</i>	<i>Senate Members</i>
Sale and Distribution of Salacious Literature (1952-53)	Wilson, Fallis
Aging (1963-67)	Inman, Jodoin, Fergusson, Quart
Divorce (Special Joint) (1966-67)	Fergusson
Penitentiaries (Special Joint) (1965-68)	Fergusson, Inman, Irvine
Poverty (1968-72)	Fergusson, Inman, Quart
Constitution (Special Joint) (1969-72)	Fergusson, Quart

Source: *Debates of the Senate of Canada*, 1930-1972, Ottawa.

the Prime Minister on this occasion was Senator Muriel McQueen Fergusson, who had been a member of the Standing Committee on Divorce since the 1950s (Forbes, 1974:159). The NCWC had also been interested in the subject of divorce since its formation in 1893. In 1963, the Council petitioned the Prime Minister to appoint a royal commission to inquire into the laws respecting the dissolution of marriage. Both women's organizations were encouraged when the Special Committee of the Senate and House of Commons was appointed to study divorce legislation.

TABLE IV
Witnesses to Special or Special Joint Committees
From Among Voluntary Associations of Women, 1965-1972

<i>Special Committee</i>	<i>Senator</i>	<i>Witnesses</i>
Divorce (Special Joint)	Fergusson	NCWC, Catholic Women's League, Congress of Canadian Women, Canadian Committee on the Status of Women
Penitentiaries (Special Joint)	Fergusson, Quart	NCWC
Poverty	Fergusson, Quart	NCWC, Catholic Women's League
Constitution (Special Joint)	Fergusson, Quart	NCWC

Source: *Debates of the Senate of Canada*, 1965-1972, Ottawa.

Senator Fergusson was an important member of both the CFBPWC and the NCWC, having served on the provincial Council of Women in New Brunswick.

Senator Fergusson was appointed to the Senate in 1953 from New Brunswick, the first woman senator from that province. She was a practising lawyer in New Brunswick and had taken a great interest in women's issues through a number of organizations (as can be seen on Table II). Senator Fergusson sat on the Standing Committee on Divorce, the committee which heard individual petitions before passing them on to the Senate as a whole, from the time of her appointment in 1953 until the new legislation was passed, with the exception of only two years. Her pre-occupations in reform of divorce were well established.

The Special Joint Committee On Divorce

Senator Fergusson, with her years of experience as a lawyer and as a member of the Senate who heard divorce petitions, was named to the Special Joint Committee on Divorce, the only woman on a committee of twelve senators and twenty-four M.P.s.

The Joint Committee began its hearings on June 28, 1966, and concluded a year later. Witnesses were heard

from the major churches, from a variety of lawyers and their associations, from Parents Without Partners and similar groups of affected citizens, and from several important women's organizations, namely the Congress of Canadian Women (November 15, 1966), the Canadian Committee on the Status of Women (November 29, 1966), the Catholic Women's League (December 6, 1966), and the National Council of Women (January 31, 1967). Their testimony about women's concerns and interests was well researched and wide ranging. What concerns us here however, is the extent to which there is evidence that the link of some groups to Senator Fergusson made any difference. Senator Fergusson, it should be recalled, was a member of CFBPWC, the IODE, the University Women's Club and the Women's Institute — none of which were witnesses in front of the Committee. She was also active in the National Council of Women of Canada. Council members were witnesses.

Senator Fergusson was a member of the Church of England as well as the Canadian Bar Association and the New Brunswick Barristers' Society, all of which appeared. We have no evidence that she was instrumental in organizing any of those witnesses, and in the published record of the hearings of the lawyers' groups and the church group, there is no evidence that she was more involved than usual. But in the case of the National Council of Women, the interventions of Senator Fergusson are markedly different and show a very proper and circumspect but, nonetheless, helpful tone.

We note that appearing on behalf of the National Council of Women were two distinguished women lawyers. Beth Underhill from London, Ontario, was Chairman of Laws of the NCWC and active in women lawyers' associations. She was a partner with her husband in the firm of Underhill and Underhill in London, having been called to the bar in 1940. With her was Margaret E. MacLellan, then Vice-President of the National Council of Women, a lawyer and well-known women's activist from Toronto. These two witnesses were introduced in some detail by the Joint Committee Co-Chairman, Senator Roebuck. Before they had a chance to begin their testimony however, Senator Fergusson intervened: "Mr. Chairman, may I suggest that even before the witnesses speak to their brief they might give the committee some idea of the number of women the National Council of Women represents?" (*Proceedings*, 1966-67, Vols. 1-13:609).

Any feminist who has made representations to legislators will recognize the importance of that question. In this case, it is even more salient, for the previous sessions of the

Committee had heard other women's organizations. To the Congress of Canadian Women, represented by Norah Rudd and Hilda Murray, a member of the committee put the question after their testimony, "How many members have you?" Mrs. Murray replied, "We issue a newsletter to nearly seven hundred people" (*Proceedings*, 1966-67, Vols. 1-13:317).

The Canadian Committee on the Status of Women was represented by Mrs. W.H. Gilleland, a member of various women's organizations including the University Women in Ottawa; Mrs. J. Flaherty of Ottawa, at that time President of the Elizabeth Fry Society of Ottawa and active in the NCWC and the University Women's Club; and Dorothy Campbell of Toronto. These witnesses appeared to be on good terms with members of the Committee and were not asked about their numbers or who they represented.²

The next meeting of the Joint Committee, however, saw five representatives of the Catholic Women's League of Canada, including Mrs. H.T. Donihee, National President; Miss Catherine Toal, Past National President; Mrs. G.J. Connolley, Diocesan President; Mrs. Roland Taylor, Past Diocesan President; and Mr. Francis G. Carter, Solicitor for the League. The brief from the Catholic Women's League opened with the following statement: "The Catholic Women's League of Canada incorporated by Federal Charter on December 12, 1923 consists of some 160,000 members across Canada" (*Proceedings*, 1966-67, Vols. 1-13:522). In a well-developed brief, the League stated the position of their church, recognized the difference in views of those of other faiths and the obligation of Parliament to pass civil laws, noted the many problems in marriage and went on to oppose broadening the grounds of divorce from adultery and similar liberalizing measures.

So when we get to the NCWC, in the subsequent sitting of the Committee, Senator Fergusson is clearly anxious to establish their strength and to her question, given above, Mrs. F.E. Underhill replied: "The National Council of Women is, in effect, the forum of women throughout Canada, established 74 years ago by Lady Aberdeen. There are 55 local councils of women and seven provincial councils of women as well as 20 nationally federated organizations. The Council of Women comprises in excess of 700,000 women and persons" (thus outnumbering the Catholic Women's League by about 540,000 people).

Furthermore, Margaret E. MacLellan referred early in her testimony to a letter she had found from Lady Aberdeen to a judge and lawyer, dated April 30, 1895, referring

to the problems of domicile (the province in which a divorce petition must be made) and the effects upon children. "So you can see that the National Council of Women of Canada has been interested in the question of divorce over a long period of years" (*Proceedings*, 1966-67, Vols. 1-13:610). Domicile was a preoccupation of Senator Fergusson throughout these hearings.

But Senator Fergusson went somewhat further than helping the NCWC establish their credentials. The witnesses were particularly concerned with the fact that a married woman's domicile was automatically that of her husband. Therefore a wife whose husband resided in another province had to petition for divorce in his province. The NCWC recommended changes in the form of a "model draft uniform domicile act" which had been proposed by the Commission on Uniformity in Legislation in 1961, and further recommended that the Committee cause to have established federal-provincial discussions on this. Senator Fergusson then asked if the witnesses had a copy of this model draft. They did. "Could they distribute it?" Senator Fergusson asked. The witnesses did not have copies. "As a matter of fact, I have plenty of copies to distribute if you would like to have them," intervened Senator Fergusson, "although they are a little marked." Thus the model draft entered the record.

In its brief to the Joint Committee, the NCWC examined the need for changes to divorce legislation and made recommendations. Unjust divorce laws and the narrow grounds for divorce were cited as the main reasons for divorce reform. In the brief, NCWC women pointed to the need for change because of:

- (a) the narrow grounds for divorce which encourage perjury
- (b) the cost of divorce
- (c) fostering of common-law relationships with resultant suffering to children
- (d) the burden imposed by reason of women not having their own domicile (NCWC, 1967:138).

Adultery, as the only ground for divorce, was seen as the greatest flaw in the divorce situation. Other reasons for divorce, such as a complete marriage breakdown brought about by problems of lack of communication, incompatibility, alcohol, cruelty and desertion were also held up as valid reasons for divorce.

In their brief, NCWC women maintained that the following recommendations be carried out. First, it was recommended that there be uniformity of marriage laws

between the provinces and the federal government. Second, it was recommended that the minimum age for marriage without parental consent be raised from 16 to 21. Third, changes in the law of domicile were recommended as well as a change in the attitude towards women's rights. Fourth, it was held that all petitions for divorce should be filed in the province where both husband and wife lived at the time of separation, rather than in the husband's place of residence. And last, it was recommended that the grounds for divorce be recommended to include insanity, cruelty and desertion (NCWC, 1967:136).

It is interesting to look at the recommendations made by the Committee in its final report in light of the NCWC's brief. As grounds for divorce, the Committee recommended the following to be acceptable: adultery; rape, sodomy, and bestiality; non-consummation of marriage; cruelty; desertion; wilful non-support; bigamy; and marriage breakdown. Recognizing the requests of women's groups, the Committee also examined the question of domicile (*Report*, 1967:30). As the existing law discriminated against women, the Committee held that the concept of provincial domicile be abandoned in favour of a national one (*Report*, 1967: 31). The Committee also dealt with matters such as equal access to divorce courts, divorce court jurisdiction and the idea of Parliamentary divorce. All and all, the Committee report responded to the NCWC's substantive recommendations as did the subsequent Divorce Act 1967-68.

But before that legislation, in June 1967, the Joint Committee issued its report and a draft of the new divorce law. This Divorce (Extension of Grounds) Bill was then returned to the Senate for debate in January, 1968, where Senator Fergusson and others had yet another opportunity to express their opinions. Only two women senators spoke on the bill.

Senator Fergusson supported the bill for various reasons, including the domicile issue. Supporting the Committee's work, Fergusson maintained:

The fact that under this bill a married woman will have the same right to domicile in relation to divorce proceedings as her husband pleases me greatly. For years, women's organizations have protested against the present law of domicile which they consider discriminatory against women, and have requested that it be changed. This change in the present bill, so far as domicile relates to divorce, will certainly be welcomed, and I am very glad that this has been incorporated (Senate Debates, Jan. 23, 1968:742).

Fergusson also brought out other NCWC concerns: such as extending the grounds for divorce to include marriage breakdown and a concern for common-law relationships which the outdated divorce law fostered.

Senator Josie Quart from Quebec was not a member of the Joint Committee, whether by choice or not we do not know. But she was a supporter of this bill and in her speech softened or omitted aspects of the brief of the Catholic Women's League which opposed broadening the grounds for divorce.

Senator Quart used the Divorce Bill readings in the Senate as an opportunity to express her personal feelings and the views of the Catholic Women's League of which she was a member. Quart opened with a clear affirmation of both the Divorce Bill and Senator Fergusson's recommendations:

First, I have to say that I support this bill...I particularly commend Senator Fergusson for her suggestion which, in my opinion, would result in the protection of women (Senate Debates, Jan. 23, 1968:765).

Quart then expressed her personal thoughts on divorce: that it can be seen as a tragedy, that children endure the most suffering, and that the Catholic Church stood firmly on the grounds of indissolubility of marriage. She also reiterated her belief that no one section of society should force its views on another. Then, briefly, she presented some of the Catholic Women's League's views to the Senate:

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 do not wish to impose these beliefs on the entire Canadian society through the medium of civil law (Senate Debates, Jan. 23, 1968:766).

In its appearance before the Joint Committee, the League had stated, "while we do not put forward any suggestions in favour of widening the grounds for divorce we would make certain positive recommendations with reference to marriage itself" (*Proceedings, 1966-67, Vols. 1-13:523*).

Conclusions

We can conclude from the evidence of testimony on the Joint Committee on Divorce that, at least in one case, a woman senator, and the only woman on the Committee, drew upon her work with a national women's organization to exert influence upon the legislation. Many of the recommendations made by the National Council of Women of Canada in their briefs to Parliament, and especially to the Joint Committee, were accepted and incorporated into the final bill.

Is this conclusive? It should be noted that Senate committee meetings are held *in camera* when decisions must be taken. Therefore, we have no record of whether Senator Fergusson had to persuade her colleagues of her position or not. Did the women's organizations have informal discussions with Senator Fergusson or any other senators? Nothing can be established. What role was played by the male senators? Apart from the obvious friendship of Senator Roebuck with members of the various organizations, as shown in his lengthy and personal introductions to the witnesses, we have no evidence that influence was exerted. We can assume that social networks operated but this cannot be demonstrated in any official records.

As the history of these women's organizations are written and as the biographies of the various senators appear, we will learn more about the process of legislative influence. It is our hypothesis that it will be found that women's organizations have exerted their influence through their members represented in the Senate of Canada to a considerable extent and with at least as much effect as any other influence exerted upon members of the Senate of Canada.

NOTES

1. It must be stressed that two of the notable feminists in the Senate, Thérèse Casgrain and Florence Bird, served especially short terms of one and four years respectively. Others concerned about the status of women served extremely long terms such as Cairine Wilson, 33 years, and Florence Inman, 31 years. This leads to a difference in opportunity in committee work.
2. The Canadian Committee on the Status of Women is the forerunner of the National Action Committee on the Status of Women. In a conversation with Laura Sabia, founding President of NAC, September 15, 1987, she reported that as Vice-President of the University Women's Club at the time, she had been a member of this relatively loosely organized group of women activists drawn from a variety of groups. The Committee included the witnesses and Margaret MacLennan, who appeared in front of the Divorce Committee for the NCWC. Mrs. Sabia reports that the CCSW was particularly effective because of these interlocking memberships.

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