

Comparative Law and Social Science  
Case Example  
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Canadian Case Citation: *Moge v Moge* (1992), 3 SCR 813, SCJ No 107 (QL).

The case of *Moge v. Moge* is a ruling from the Supreme Court of Canada, the highest court in Canada. *Moge* is a family law case which interpreted Section 17 of the *Divorce Act*, which deals with spousal support after divorce. In this particular case, Mr. Moge and Mrs. Moge were married for approximately twenty-five years and had three children. Throughout the marriage, Mr. Moge worked full-time outside the home, while his wife stayed at home throughout the day and cleaned offices at night. When the couple divorced, Mr. Moge was ordered to pay \$150 per month for spousal support. Mr. Moge filed a lawsuit to be permitted to terminate spousal support 9 years afterwards. He argued that Mrs. Moge had enough time to become self-sufficient after the divorce. Mrs. Moge argued that she only had a grade 7 education and she did not have the time or resources to develop employment skills throughout the marriage. After the divorce, she continued to raise the children on a full time basis and was still unable to develop her employment skills.

The judges (9 in total on the Supreme Court) decided to employ social science studies as evidence to demonstrate that divorce is a major cause of poverty for women in Canada. For example, the judges used a Statistics Canada report to show that in 1987, 55% of single mothers lived in poverty; most of these cases are a result of divorce without spousal support. The judges then used these social science expertises to determine the purpose of Section 17 of the *Divorce Act*. Since social science evidence suggested that spousal support would help keep divorced

women out of poverty, the judges reasoned that the purpose of Section 17 is to achieve this end. Thus, the court ruled in Mrs. Moge's favour and ordered Mr. Moge to continue paying spousal support.