

# Marriage and cohabitation

Catherine Fairbairn

## Should Government intervene to promote marriage? How might this be done?

Opinions are divided on the importance of marriage as an institution and as to whether Government intervention to promote it is desirable. In recent times there has been a move to regarding parenthood, rather than marital status, as the key relationship. Factors which have been influential in this shift include:

- increasingly couples now choose to cohabit rather than marry
- more children are being born whose parents are not married to one another – 45% of births are now outside marriage
- barriers to adoption by unmarried couples (including same sex couples) have been removed

### ATTITUDES TO MARRIAGE AND COHABITATION

Survey evidence on the importance of marriage is mixed. The National Centre for Social Research *British Social Attitudes* study demonstrates that cohabiting unmarried parenting is increasingly seen as acceptable. The proportion who agree “it makes no difference to children whether their parents are married or just living together” rose from 38% in 1998 to 45% in 2006. 27% disagreed with the statement in 2006, with the remainder taking no view.

Polling carried out by YouGov for the Conservatives’ Centre for Social Justice found:

- 57% believed the law should promote marriage in preference to other kinds of family structure
- 58% thought giving cohabitants similar legal rights as the married would

undermine marriage and make people less likely to wed

- 85% supported a tax break to promote marriage

### RECOGNISING MARRIAGE IN THE TAX SYSTEM

In their manifesto, the Conservatives pledged to recognise marriage and civil partnerships in the tax system in the next Parliament, calling this an important signal of the recognition of the value of the commitment made by people when they get married.

Some commentators have queried whether the proposed benefit of up to £150 a year for lower and middle-income couples will actually make any difference, questioning its value as an incentive either to get or to stay married.

### ENCOURAGING RECONCILIATION

When they were last in Government, the Conservatives enacted the *Family Law Act 1996*, Part II of which was intended to revolutionise the divorce process and to introduce “no fault divorces”. Parties to a divorce were to be obliged to attend “information meetings” with a view to encouraging reconciliation. Following disappointing results from a series of information meeting pilot schemes, the Labour Government announced that the relevant provisions would be repealed. However, though Part II was never brought into force, it remains on the statute book.

More recently, in its 2009 report, *Every Family Matters*, the Conservatives’ Centre for Social Justice accepted the retention of a fault

provision during divorce proceedings and recommended a compulsory three-month “cooling off” period in which estranged couples would have to find out about the implications of a divorce.

### OTHER PARTIES

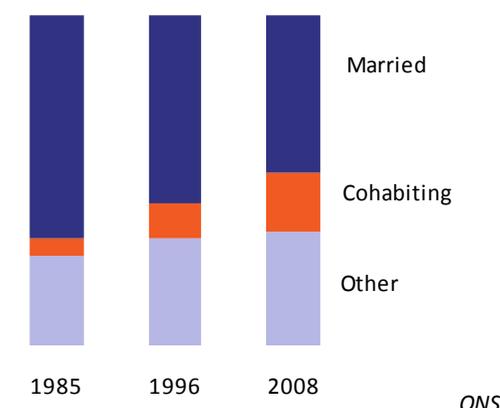
The Labour Party acknowledge that marriage is fundamental to society, but have stated that financial support should be directed at all children, not just those with married parents. Similarly, the Liberal Democrats stated that families of all shapes and sizes should get the support they need to thrive.

### SHOULD GOVERNMENT SUPPORT MARRIAGE AND WOULD POLICY MAKE ANY DIFFERENCE?

Iain Duncan Smith condemned the Labour Government for saying that all family structures deliver the same outcomes, pointing to evidence which indicates that marriage produces the best outcomes for children. Other research has indicated that encouraging parents to marry is unlikely to lead to significant improvements in young children’s outcomes.

*Arguments about whether policy to support one or more form of relationship between adults can succeed are likely to continue. Should the focus instead be on the parent-child relationship? Do the rights of cohabiting parents need to be addressed? Whatever their views on marriage, can politicians effectively change long-running social trends?*

**Increasingly people are cohabiting rather than getting married**  
% women aged 18-49 in Great Britain



### COHABITATION – WHAT IS ITS STATUS?

Many people seem unaware that no general legal status attaches to what is often referred to as “common law marriage”. Arguments have been advanced both for and against extending new rights to cohabitants, some based on whether any new scheme would effectively undermine marriage.

In July 2007 the Law Commission published a report which considered the financial consequences of ending cohabiting relationships. It recommended the introduction of a new statutory scheme of financial relief on separation, based on the contributions made to the relationship by the parties. The Labour Government later announced that it would be taking no action to implement the Law Commission’s recommendations until a similar scheme recently implemented in Scotland could be assessed.