

## Written evidence from the Family Education Trust [HAB0005]

### About Family Education Trust

For fifty years, Family Education Trust has conducted research into the causes and consequences of family breakdown. By means of its publications and conferences, and through its media profile, the Trust seeks to stimulate informed public debate on matters affecting the family, with a view to promoting family stability and the welfare of children and young people.

Family Education Trust is a registered charity and has no religious or political affiliations.

### Summary

We believe that marriage is the cornerstone of a stable society and the most secure environment in which to raise children. As a result, we oppose giving the same rights to cohabiting couples as exist for married couples. As we illustrate below, we believe that the best evidence shows that cohabiting relationships lack the stability of marriage because marriage involves a couple making a legal commitment to stay together for life, while cohabitation involves no such commitment. The studies we cite below show that cohabitation is an intrinsically less stable form of relationship, more prone to breakdown and consequently has negative effects on the mental health of young people as well as the overall financial stability of the family.

### Should there be a legal definition of cohabitation and, if so, what should it be?

We strongly believe that the relationship status to which couples should aspire is that of marriage. Marriage is the cornerstone of a stable society and the most secure environment in which to raise children. A recent study from the Centre for Social Justice found that:

*...the public declaration of commitment in marriage has an inherently stabilising effect and reduces the likelihood of family break-up with its calamitous effect on children...Marriage provides clarity for the future of a relationship, removing ambiguity by sending a clear signal to each partner of mutual commitment for life...Marriage has a powerful social meaning that conditions the behaviour of its participants...parents who are married are more than twice as likely as parents in any other family structure type to stay together.<sup>1</sup>*

We are worried that a specific legal definition of cohabitation could create a rival legal union to that of marriage and young couples would be ill-advisedly led to adopt this intrinsically less stable form of relationship.

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<sup>1</sup> Centre for Social Justice, *Family Structure Still Matters*, August 2020, <https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2020/08/CSJJ8372-Family-structure-Report-200807.pdf>

Marriage and cohabitation represent two different and distinct relationships. Marriage involves a couple making a legal commitment to stay together for life. Cohabitation involves no such commitment.

Cohabiting unions are less stable than marriage. The majority of family breakdown now involves families where the parents are cohabiting. According to the Marriage Foundation, while cohabiting parents account for only 20.7% of couples, they contribute to more than half (51.4%) of the cases of family breakdown.<sup>2</sup> The Centre for Social Justice (CSJ) report, *Fractured Families* found that ‘parents who cohabit are approximately three times more likely than those parents who are married to have separated by the time the child reaches the age of five.’<sup>3</sup> Of parents who remain together by the time their child turns 15, 93% are married.<sup>4</sup>

The instability associated with cohabiting unions has had a thoroughly detrimental effect upon the mental health of many young people. A study undertaken by the Marriage Foundation found that family breakdown is the single biggest influence on the mental health of young people.<sup>5</sup> The study, which examined mental health problems among 10,929 fourteen-year olds, found that:

*Among intact married families, 20 per cent of 14 year olds exhibit high level of mental health problems, compared to 27 per cent among intact cohabiting families. Among divorced families, 32 per cent exhibit problems, compared to 38 per cent among separated cohabiting families.*<sup>6</sup>

Not only is cohabitation less stable and therefore potentially damaging to the health of any children of the couple but a study published in the US-based *Journal of Financial Planning* has also found cohabitation to be less financially stable. A comparison between the financial assets of married couples and those of various types of cohabiting couples found the following:

*...when compared to married, never-cohabited respondents, those who had cohabited one time had \$4,783 less in financial assets, while respondents who were serial cohabiters had \$6,930 less in financial assets. Respondents who were currently cohabiting for their first time held \$9,645 less in financial assets as compared to their married, never-cohabited counterparts, while serial cohabiters had \$8,763 less in financial assets.*<sup>7</sup>

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<sup>2</sup> Harry Benson, *Annual family breakdown in the UK*, Marriage Foundation, March 2017, <http://marriagefoundation.org.uk/wp-content/uploads/2017/03/MF-paper-Annual-family-breakdown.pdf>

<sup>3</sup> Centre for Social Justice, *Fractured Families Why stability matters*, June 2013.

<sup>4</sup> Harry Benson, *The myth of ‘long-term stable relationships’ outside marriage*, Marriage Foundation, May 2013, <http://marriagefoundation.org.uk/wp-content/uploads/2016/06/pdf-020.pdf>

<sup>5</sup> Harry Benson and Stephen McKay, *Family breakdown and teenage mental health*, Marriage Foundation, November 2017, <http://marriagefoundation.org.uk/wp-content/uploads/2017/11/MF-paper-Family-breakdown-and-teenage-mental-health-FINAL.pdf>

<sup>6</sup> *Ibid*, p. 1.

<sup>7</sup> Sonya Britt-Lutter, Cassandra Dorius and Derek Lawson, *The Financial Implications of Cohabitation Among Young Adults*, *Journal of Financial Planning*, April 2018, Vol. 31, Issue 4, p38-45, <https://www.onefpa.org/journal/Pages/APR18-The-Financial-Implications-of-Cohabitation-Among-Young-Adults.aspx>

Cohabitation should continue to be treated separately from marriage, especially because cohabiting partners often differ in their understanding of the nature of their relationship and its level of commitment. For example, research by the Center for Marital and Family Studies found that:

*Cohabiting partners often do not even share the same understanding of the path they are on together...cohabitation represents an ambiguous state of commitment for many, partly because of the fact that cohabitation is an ‘incomplete’ institution in terms of a common understanding of what the cohabitation experience is and what it means...For many couples, the ambiguity of cohabitation becomes part of the pathway toward a marriage more prone to distress or divorce because of relationship inertia...Because of the possible ambiguity around the meaning of cohabitation (in the absence of clarity about mutual commitment levels by way of marriage or engagement), there are likely many individuals who discover later rather than sooner that cohabiting did not mean the same thing for their partners as for them.<sup>8</sup>*

As Harry Benson of the Marriage Foundation states:

*...by affirming cohabitation as the equal of marriage, the state is giving its approval to a family structure that is fundamentally more unstable than marriage. It is sending a clear message that there is no need for couples to make a formal commitment.*

*Less formal commitment will guarantee more family breakdown.<sup>9</sup>*

Due to this evidence of the problems of cohabitation, we do not believe it a wise decision to have a specific legal definition of cohabitation.

### **What legislative changes, if any, are needed to better protect the rights of cohabiting partners in the event of death or separation?**

We are reluctant to support changes in the current law as we believe that the law needs to incentivise marriage over cohabitation.

Marriage and cohabitation are two different and distinct things. Marriage involves a couple making a legal commitment to stay together for life. Cohabitation involves no such commitment.

Cohabiting unions are less stable than marriage. The majority of family breakdown now involves families where the parents are cohabiting. According to the Marriage Foundation, while cohabiting parents account for only 20.7% of couples, they contribute to more than half (51.4%) of the cases of family breakdown.<sup>10</sup> The Centre for Social Justice (CSJ) report, *Fractured Families* found that ‘parents who cohabit are approximately three times more likely than those parents who are married to have

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<sup>8</sup> Scott M. Stanley, Galena Kline Rhoades and Howard J. Markman, ‘Sliding Versus Deciding: Inertia and the Premarital Cohabitation Effect’, *Family Relations* 55, October 2006, 499–509.

<sup>9</sup> Harry Benson, Why cohabiting couples should not get the same rights as married couples, 30 August 2018, <https://marriagefoundation.org.uk/cohabiting-couples-not-get-rights-married-couples/>

<sup>10</sup> Harry Benson, *Annual family breakdown in the UK*, Marriage Foundation, March 2017, <http://marriagefoundation.org.uk/wp-content/uploads/2017/03/MF-paper-Annual-family-breakdown.pdf>

*separated by the time the child reaches the age of five.*<sup>11</sup> Of parents who remain together by the time their child turns 15, 93% are married.<sup>12</sup>

Not only is cohabitation less stable and therefore potentially damaging to the health of any children of the couple but a study published in the US-based *Journal of Financial Planning* has also found cohabitation to be less financially stable. A comparison between the financial assets of married couples and those of various types of cohabiting couples found the following:

*...when compared to married, never-cohabited respondents, those who had cohabited one time had \$4,783 less in financial assets, while respondents who were serial cohabiters had \$6,930 less in financial assets. Respondents who were currently cohabiting for their first time held \$9,645 less in financial assets as compared to their married, never-cohabited counterparts, while serial cohabiters had \$8,763 less in financial assets.*<sup>13</sup>

Cohabitation should continue to be treated separately from marriage, especially because cohabiting partners often differ in their understanding of the nature of their relationship and its level of commitment. For example, research by the Center for Marital and Family Studies found that:

*Cohabiting partners often do not even share the same understanding of the path they are on together...cohabitation represents an ambiguous state of commitment for many, partly because of the fact that cohabitation is an "incomplete" institution in terms of a common understanding of what the cohabitation experience is and what it means...For many couples, the ambiguity of cohabitation becomes part of the pathway toward a marriage more prone to distress or divorce because of relationship inertia...Because of the possible ambiguity around the meaning of cohabitation (in the absence of clarity about mutual commitment levels by way of marriage or engagement), there are likely many individuals who discover later rather than sooner that cohabiting did not mean the same thing for their partners as for them.*<sup>14</sup>

As Harry Benson of the Marriage Foundation states:

*...by affirming cohabitation as the equal of marriage, the state is giving its approval to a family structure that is fundamentally more unstable than marriage. It is sending a clear message that there is no need for couples to make a formal commitment.*

*Less formal commitment will guarantee more family breakdown.*<sup>15</sup>

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<sup>11</sup> Centre for Social Justice, *Fractured Families Why stability matters*, June 2013.

<sup>12</sup> Harry Benson, *The myth of 'long-term stable relationships' outside marriage*, Marriage Foundation, May 2013, <http://marriagefoundation.org.uk/wp-content/uploads/2016/06/pdf-020.pdf>

<sup>13</sup> Sonya Britt-Lutter, Cassandra Dorius and Derek Lawson, *The Financial Implications of Cohabitation Among Young Adults*, *Journal of Financial Planning*, April 2018, Vol. 31, Issue 4, p.38-45, <https://www.onefpa.org/journal/Pages/APR18-The-Financial-Implications-of-Cohabitation-Among-Young-Adults.aspx>

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<sup>15</sup> Harry Benson, *Why cohabiting couples should not get the same rights as married couples*, 30 August 2018, <https://marriagefoundation.org.uk/cohabiting-couples-not-get-rights-married-couples/>

## Should legal changes be made to better provide for the children of cohabiting partners?

We believe that the best way of securing the welfare of children is to encourage couples to marry rather than changing the law to accommodate an unstable form of partnership. Marriage involves a couple making a legal commitment to stay together for life. Cohabitation involves no such commitment. According to a recent study from the Centre for Social Justice:

*By the time they turn five, 53% of children of cohabiting parents will have experienced their parents' separation; among five-year-olds with married parents, this is 15%.<sup>16</sup>*

The majority of family breakdown now involves families where the parents are cohabiting. According to the Marriage Foundation, while cohabiting parents account for only 20.7% of couples, they contribute to more than half (51.4%) of the cases of family breakdown.<sup>17</sup> The Centre for Social Justice (CSJ) report, *Fractured Families* found that 'parents who cohabit are approximately three times more likely than those parents who are married to have separated by the time the child reaches the age of five.'<sup>18</sup> Of parents who remain together by the time their child turns 15, 93% are married.<sup>19</sup>

The instability associated with cohabiting unions has had a thoroughly detrimental effect upon the mental health of many young people. A study undertaken by the Marriage Foundation found that family breakdown is the single biggest influence on the mental health of young people.<sup>20</sup> The study, which examined mental health problems among 10,929 fourteen-year olds, found that:

*Among intact married families, 20 per cent of 14 year olds exhibit high level of mental health problems, compared to 27 per cent among intact cohabiting families. Among divorced families, 32 per cent exhibit problems, compared to 38 per cent among separated cohabiting families.<sup>21</sup>*

*Family Structure Still Matters*, a study by the Centre for Social Justice, found better outcomes in a range of areas for both children and parents when parents are married:

*By the time they turn five, 53% of children of cohabiting parents will have experienced their parents' separation; among five-year-olds with married parents, this is 15%... Family structure also affects future earnings. Tracking the earnings of comparable men for a decade from 2009 showed a correlation between income increase and family*

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<sup>17</sup> Harry Benson, *Annual family breakdown in the UK*, Marriage Foundation, March 2017, <http://marriagefoundation.org.uk/wp-content/uploads/2017/03/MF-paper-Annual-family-breakdown.pdf>

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<sup>21</sup> *Ibid*, p. 1.

*structure. For men who married during this time their income grew by 58.8%, while for cohabitantes their income grew by 46.4%... The occurrence of mental ill-health does not fall evenly amongst all family structures. 6% of those aged 5–10 with married parents had a mental health disorder compared to 12% of the same age with cohabiting parents...*<sup>22</sup>

As Harry Benson of the Marriage Foundation states:

*...by affirming cohabitation as the equal of marriage, the state is giving its approval to a family structure that is fundamentally more unstable than marriage. It is sending a clear message that there is no need for couples to make a formal commitment.*

*Less formal commitment will guarantee more family breakdown.*<sup>23</sup>

The best provision that children can have is for their parents to be in a loving and stable marriage.

### **Should cohabiting partners have the same rights as those who are married or in a civil partnership?**

No.

For the sake of our children society needs to reward stability and commitment. The highest form of commitment and that most likely to bring stability is marriage. Marriage is the cornerstone of a stable society and the most secure environment in which to raise children. Cohabiting unions because they involve no explicit legal commitment are far more prone to dissolution.

Cohabiting unions are intrinsically less stable than marriage. The majority of family breakdown now involves families where the parents are cohabiting. According to the Marriage Foundation, while cohabiting parents account for only 20.7% of couples, they contribute to more than half (51.4%) of the cases of family breakdown.<sup>24</sup> The Centre for Social Justice (CSJ) report, *Fractured Families* found that ‘*parents who cohabit are approximately three times more likely than those parents who are married to have separated by the time the child reaches the age of five.*’<sup>25</sup> Of parents who remain together by the time their child turns 15, 93% are married.<sup>26</sup>

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<sup>28</sup> Ibid, p. 1.

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*By the time they turn five, 53% of children of cohabiting parents will have experienced their parents' separation; among five-year-olds with married parents, this is 15%... Family structure also affects future earnings. Tracking the earnings of comparable men for a decade from 2009 showed a correlation between income increase and family structure. For men who married during this time their income grew by 58.8%, while for cohabiters their income grew by 46.4%... The occurrence of mental ill-health does not fall evenly amongst all family structures. 6% of those aged 5–10 with married parents had a mental health disorder compared to 12% of the same age with cohabiting parents...<sup>31</sup>*

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*Less formal commitment will guarantee more family breakdown.<sup>32</sup>*

For the sake of stability, commitment, and a solid future for our children we need to strengthen marriage rather than taking measures that would encourage the instability of cohabitation.

*July 2021*

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<sup>31</sup> Centre for Social Justice, *Family Structure Still Matters*, August 2020, <https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2020/08/CSJJ8372-Family-structure-Report-200807.pdf>

<sup>32</sup> Harry Benson, Why cohabiting couples should not get the same rights as married couples, 30 August 2018, <https://marriagefoundation.org.uk/cohabiting-couples-not-get-rights-married-couples/>