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Marriage works. Accept no substitutes

Equal rights for cohabiting couples

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It is the season of weddings – extravagant or simple, tender or theatrical. On Saturday I was at the marriage of two young army officers, a gleam of glad confident morning in a hard year for their profession. Uniformed friends formed a guard of honour in the tiny churchyard and rattled their swords as a joke when the lawful-impediment question was asked, civilians got their high heels stuck in the damp turf, two families rejoiced. Toasts were drunk to comrades in Iraq and Afghanistan.

The words rang, striking as ever: “Marriage is a way of life that all should honour, and it must not be undertaken carelessly, lightly or selfishly but reverently, responsibly, and after serious thought.” Who does not gulp at that warning? Who does not feel a prick of awe at the uncompromising vows, and the warnings that worse times must be faced as well as better?

Then it was Monday, and we read of the Law Commission’s plans to give cohabiting couples similar rights to married ones. Not just child support – that is already law, albeit incompetently enforced – but lump-sum settlements, shares of property, maintenance, pensions. As [yesterday’s leading article](#) pointed out, there has been agitation to recognise “common-law” marriage ever since the Civil Partnerships Act gave decent and proper rights to gay couples. “Such rights,” it said, “were denied to cohabiting heterosexuals on the grounds that they could, at any time, get married. That answer may have been logical, but it failed to still a sense of unfairness.”

Gosh. I never knew that illogical whining could trigger a cumbersome overhauling of the law. I shall start listing my own illogical prejudices today. But this is rubbish! Divorce is now so accessible that anybody who wants the protections of marriage can get them – unless their cohabiting partner doesn’t agree, in which case, caveat emptor. You need not affront your Dawkins principles by going to church, or betray your anarchist instincts by entering a register office. You can now marry in a bingo hall or a Sea Life Centre. A licence costs only £63.50.

Some couples – I know and love many – jointly decide not to marry. Good luck to them. They don’t whimper for new laws; if they are wise they make legal arrangements about property ownership (like becoming tenants-in-common with appropriate shares) and ensure joint responsibility for children. If they are not wise, then by definition they are fools. You cannot frame every law to suit fools, even fools for love.

Women – who traditionally get the short end of the stick – should be aware that marriage is a safer basis for scaling down work to raise a family, and that if they eschew it or are denied it, then they had better make arrangements. Men, these days, should do the same. If you hippyishly reject marriage because “it’s just a piece of paper”, don’t expect the nanny state to provide you with an equally safe piece. There are limits to how far government should protect adults from one another’s rapacity or flakiness. You make your bed, you lie in it.

There is, of course, the matter of children, and this really is important. If the Law Commission really wanted to put a spoke in the wheel of feckless and exploitative lovers, it could simply decree that the birth of a child creates, ipso facto, a marriage – with all the property and pension rights which that

implies. Imagine the terror, imagine the caterwauling of complaint – not least when chaps found themselves “married” to multiple women, and instead of the weedy Child Support Agency were faced with complex crypto-divorce proceedings and settlements.

Yet there is a real case for doing something as savage as that – children born irregularly run a far higher risk of poverty and unhappiness than those whose parents stay firmly bolted together, with marriage or without it. Our failure to protect children’s interests is far more serious than any drippy desire to placate adults suffering from an illogical “sense of unfairness”.

The interests of women should be considered, too. New research from the Equal Opportunities Commission shows that the proportion of women graduates in low-paid jobs has more than doubled in the past decade. The jobs cited tend to be things like school secretaries and nursery nurses – as another academic put it, “work that is meaningful, interesting and resonates with their lifestyle”. Myself, I am delighted that there are bright people working as school secretaries and nursery nurses: how stimulating and civilising for the children. I am also pleased to see statistics nailing the government lie that a degree will automatically lead to high earnings, as it did in the days when there were far fewer degrees.

But the point is that these women – and some men – rationally decide not to be ballbreaking Apprentice-type money junkies. They take work that is not very lucrative, but worthwhile and human and easy to fit into family life. Such decisions are brave and good, but in an era of mad house prices and dwindling pensions it is handy if the lower-paid domestic partner is in harness with someone who earns more. Or they can take turns. And there are few institutions more convenient, safe, humane and reassuring to such modern couples than the ancient and honourable state of matrimony. Marriage and its ceremonial – formal, focused, awesome, hopeful – remains a miracle of human endeavour and idealism (which is why gay civil partnerships are so welcome, and so moving).

And stop sneering about the divorce rate. If one marriage in three fails, two thirds succeed. A vast majority. With present-day longevity and omnipresent sexual temptation, I call that impressive. It doesn’t need the Law Commission monkeying around, muddying the waters to placate the illogical.