

media release

10th February 2010

Public or Private Partnerships?

Treating the marriage as an institution, not just a choice

In the third of our Marriage Week press releases, the Relationships Foundation is calling for government policy to do more to recognise marriage as an institution, not just the expression of individual choices.

In the recent green paper *Support for All* Ed Balls says that ‘marriage is a personal and private decision for responsible adults with which politicians should not interfere.’

Michael Trend, Executive Director of the Relationships Foundation, said: ‘It is cohabitation that is a personal and private decision – and we should respect responsible freedom in the realm of our most intimate and personal relationships. But marriage, by its very nature, is a public decision that confers both privileges and obligations. That public clarity of the creation of a new social unit is something that should be acknowledged, encouraged and supported in public policy.’

Private choices have public consequences. Government has, in recent years, been ready to seek to influence what may previously have been considered to be private individual behaviour in many areas. Whilst the health consequences of smoking are deemed to justify influencing choices, the fact that the longevity effect of marriage may even offset the consequences of smoking is ignored.¹

Currently there is a lack of clarity and inconsistency as to whether marriage is a private choice or public institution. People are taxed as individuals, but benefit assessments focus on households. The Law Commission is concerned that too many cohabitants are unaware of the lack of rights and protection that results from not making a public marriage declaration. Their current consultation process which ends this month proposes that a couple who have had a child together and lived together continuously for five years should have the same rights on intestacy as spouses.² With only 48% of cohabiting couples still together by their child’s fifth birthday compared to 92% of married couples this would still leave many people with limited protection.³ Merging marriage and cohabitation, and failing to promote the distinctive and immediately vested benefits of marriage, will not achieve the best outcomes.

Upon marriage, a couple accept a range of rights and responsibilities for each other and any children. The rights are more generous and the responsibilities are more burdensome, than those in other relationships. In our latest briefing paper *Why Does Marriage Matter?* the Relationships Foundation summarises these key differences in rights, responsibilities and outcomes. As well as intestacy, these include the presumption that spouses support one another financially limiting benefit claims. The claims of non-married couples will depend on their living situation.

Given the evidence on the benefits of marriage, the Relationships Foundation argues that policy should go beyond de facto recognition to active support in order to:

- Protect and strengthen social norms: making a commitment to be responsible and care for a spouse and/or children is socially desirable and beneficial and should be recognised and commended.
- Enable the exercise of responsibilities and fulfilment of commitments.

- Avoid unintentionally undermining stable couple relationships (for example through couple penalties in the benefits system).

Researcher Peter Lynas commented: 'It is beneficial to see relationships as public institutions, not just private choices. Merging the rights and responsibilities of cohabitation and marriage whilst perpetuating the myth that deciding whether or not to marry is simply a private and personal choice, risks exposing more children to worse outcomes during critical early years.'

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NOTES TO EDITORS:

The latest briefing note *Why Does Marriage Matter?* is available at <http://www.relationshipsfoundation.org/download.php?id=261>

Marriage Week runs from 8th-14th February 2010. Marriage is one of a number of key family relationships which can increase wellbeing and reduce long term public spending. Despite the continual flow of family policy announcements, the political parties' thinking on the family remains too small. The Relationships Foundation will be issuing a series of press releases for Marriage Week ultimately calling on all politicians to commit to 'family proofing' **all** policy.

The Relationships Foundation, established in 1993, is a Cambridge-based independent think tank seeking a better connected society. It studies the effect that culture, business and government have on relationships. It proposes new ideas for strengthening social connections, campaigns on issues where relationships are being undermined, and trains and equips people to think relationally for themselves.

1. H Johns and P Ormerod, *Happiness, Economics and Public Policy* (Institute of Economics Affairs, 2007) p 48.
2. The Law Commission, Consultation Paper No 191, *Intestacy And Family Provision Claims On Death*
3. Rebecca O'Neill, 'Does Marriage Matter?', Civitas, p 5.

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