

Cohabitation in the 21st Century

Dr John Hayward & Dr Guy Brandon



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Jubilee Centre

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Preface

Increasing numbers of couples are choosing to live together rather than to get married. Although marriage is the preferred form of first relationship, cohabitation is increasingly seen as a prelude to marriage or an alternative to it. Many cohabiters view their situation as ‘common-law marriage’ and believe they have the same rights as a married couple on separation. However, few rights actually exist – something that cohabiting couples often find out too late.

In July 2007 the Law Commission published a report, *Cohabitation: The Financial Consequences of Relationship Breakdown*.¹ The report highlighted the financial implications for couples in cohabitations that end, either in separation or death, and made a number of recommendations to address the injustices that can result. Notably, it suggested that cohabiters without children who had lived together for at least two years should receive some rights on separation or death, whilst those who had lived together for five years might receive further rights.

The government has not yet published its final response to this report. A summary of the progress of this legislation is provided in the House of Commons research paper “*Common law marriage*” and cohabitation.²

The Cohabitation Bill³ was introduced by Lord Lester in the House of Lords on 11 December 2008. Its purpose was to ensure cohabitants with basic legal protections in the event of separation or death.

On 29 October, 2009 the Law Commission published a Consultation Paper (no. 191),⁴ the consultation period ending on 28 February 2010. The Law Commission proposed that cohabiting couples who live together for five years would have the same rights as those of a spouse on the death of their partner; those who had lived together for more than two years but less than five would receive half what a spouse would.

The Law Commission’s 2007 report noted that ‘Demographic data indicate that the median and mean lengths of cohabiting relationships in this jurisdiction are increasing over time.’ However, it also acknowledged that some of the most widely-used data was over ten years old at the time of publication⁵.

This data was based on analysis of British Household Panel Survey data for 1992/3. More recent data extends to 2006/7. Given the speed at which the landscape has changed in the last 40 years, further changes are only to be expected and a fresh analysis is therefore long overdue.

This report is intended to provide an up-to-date analysis of cohabitation statistics, using the results of the most recent wave of BHPS data⁶. This is of relevance to the Law Commission in defining the scope of their recommendations.

In addition, anything that influences couples’ choice to cohabit or otherwise may have potentially enormous consequences for the stability of that and future relationships, the economic wellbeing of the couple, and also for public spending. This report is therefore also intended to provide the information necessary to enable any specific recommendations in this area, and their likely implications, to be placed in their wider policy context.

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Executive Director
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February 2010

¹ <http://www.lawcom.gov.uk/docs/lc307.pdf>

² Catherine Fairbairn, 8 January 2010.

³ <http://www.publications.parliament.uk/pa/ld200809/ldbills/008/2009008.pdf>

⁴ <http://www.lawcom.gov.uk/docs/cp191.pdf>

⁵ See section 3.44, and footnote 53.

⁶ This research was based on 29,065 cases, drawn from Pronzato, C., *British Household Panel Survey Consolidated Marital, Cohabitation and Fertility Histories, 1991-2006* [computer file]. 2nd Edition. University of Essex. Institute for Social and Economic Research, [original data producer(s)]. Colchester, Essex: UK Data Archive [distributor], November 2007. SN: 5629. The data are copyright of the Institute for Social and Economic Research. The original data creators, depositors or copyright holders, the funders of the Data Collections and the UK Data Archive bear no responsibility for the further analysis or interpretation of the Jubilee Centre.

Cohabitation Trends: the changing landscape

The nature of cohabitation in the UK presents a rapidly changing landscape. In 1961, the mean age at first marriage was 25.6 for men and 23.1 for women. By 1998, it had risen to 29.1 for men and 27.0 for women,⁷ and in 2008, the provisional mean age at first marriage was 32.1 for men and 29.9 for women. Those getting married today choose to do so an average of 6.5 years later than their counterparts less than 50 years ago.

This later-marriage trend has gone hand-in-hand with higher rates of cohabitation, as couples choose to live together as a prelude to marriage, and in some cases as an alternative altogether. There were around 2.25 million cohabiting couples in England and Wales in 2007, a figure projected to rise to 3.7 million by 2031. Almost three-quarters of these have never married.⁸

The last detailed analysis of data relating to cohabitation trends in the UK⁹ was based on data from the 1992 cohort of the British Household Panel Survey (BHPS). The present analysis suggests that some of the pronounced differences between married and cohabiting couples – particularly in terms of stability and longevity of relationship – have only become more so in the intervening period.

The 2001 Census recorded that there were 742,000 cohabiting couples with dependent children in England and Wales, supporting 1.28 million children in total. This is likely to be substantially higher by now.

In 2008, 708,711 babies were born in England and Wales. 55 per cent of births occurred within marriage. 30 per cent were jointly registered, with parents giving the same address, and it can therefore be inferred that they were cohabiting. (The remainder were registered by couples living at different addresses, or by the mother alone.) The proportion of births registered to cohabiting couples has increased in recent years.¹⁰

What follows is our analysis of Pronzato's consolidated marital, cohabitation and fertility histories of the British Household Panel Survey data 1991-2006.

⁷ National Statistics, Average age at first marriage: by gender, EU comparison, 1961 and 1998: Social Trends 32. See <http://www.statistics.gov.uk/STATBASE/Expodata/Spreadsheets/D4980.xls>

⁸ National Statistics, Social Trends 40, chapter 2: Households and families. See http://www.statistics.gov.uk/downloads/theme_social/Social-Trends40/ST40_Ch02.pdf

⁹ Kathleen Kiernan, *Childbearing Outside Marriage in Western Europe*, Population Trends 98, 1999, pp. 11-20 and *The rise of cohabitation and childbearing outside of marriage in Western Europe*, International Journal of Law, Policy and the Family, 15(1), 2001, pp. 1-21.

¹⁰ National Statistics, 'Who is having babies', December 2009, p.3. See <http://www.statistics.gov.uk/pdfdir/births1209.pdf>

Length of cohabitation

Compared to marriage, cohabitation is a significantly more fragile and temporary form of family. Cohabitations are generally brief; of all the cohabitations reported in the BHPS, 40 per cent ended in marriage, with 26 per cent ending in separation (the remainder were still ongoing).

Excluding the still-ongoing cohabitations and focusing solely on the ones that had ended, 61 per cent concluded with the marriage of the couple, with 39 per cent ending in separation.

This suggests that marriage is still the preferred outcome for most couples. Cohabitation, on its own terms, is generally a short-lived relationship. The average (mean) length of cohabitation is just over three years (37 months). However, this is artificially raised by a comparatively small number of long-lived cohabitations, as is reflected by the median cohabitation length of 23 months.

Excluding still-ongoing cohabitations, the picture is even clearer; those cohabitations that end in marriage last a mean of 31 months, and the median is again lower (21 months). This indicates that, for most couples who do marry, cohabitation forms a relatively brief prelude. For those couples whose cohabitation ends in separation, the mean length of the relationship is just under three years (35 months), with the median just under two years (23 months). This is particularly significant given the Law Commission's report, which proposes certain rights for couples who have been together for a *minimum* of two years: over half of all cohabitantes who separate would be excluded by default.

Long-term cohabitation

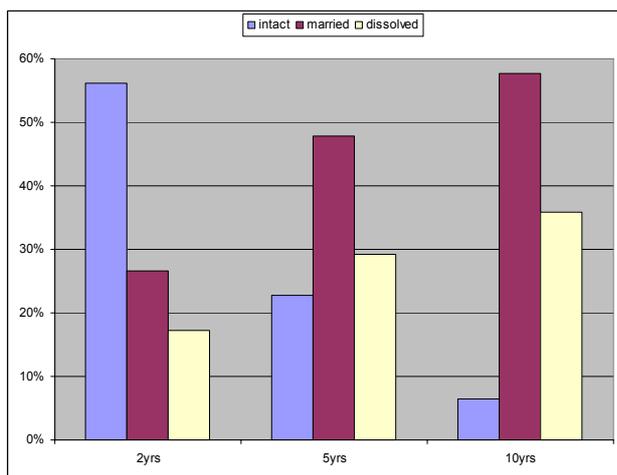
Few couples choose to cohabit for the long term. Less than one in five of all cohabitations (18 per cent) has lasted more than five years. Less than a quarter (24.5 per cent) of ongoing cohabitations (i.e. those that have not yet ended in marriage or separation) have lasted five years or more, and only nine per cent have lasted ten or more. Just over one in eight cohabitantes who end up marrying (13 per cent) have lived together for five years. Only one in forty (2.5 per cent) of them do so for ten years.

Recent data suggests changing attitudes and practices around long-term cohabitation. Fourteen years ago, around 17 per cent of

Fewer than one in fifteen first cohabitations lasts ten years or more.

first cohabitations lasted five years or more and around 7 per cent lasted ten or more.¹¹ Today, long-term cohabitation is equally unlikely. More couples are living together for more than five years (23 per cent) but fewer than one in fifteen (6.5 per cent) lasts ten years or more. Just one in nineteen of all cohabiting couples (5.3 per cent) have been together for ten years or more.

Chart 1: Proportions of first cohabitations that were still intact, had converted to marriage, or had dissolved by two, five and ten years after the start of the union



Marriage after cohabitation

Many people choose to cohabit as a prelude to marriage – either as a ‘trial run’ or as part of the process. There is popular support for the idea that cohabitation is a good idea because it allows couples to get to know each other in a marriage-like relationship, and therefore to decide whether or not they are suited to marriage. Much previous research has suggested that multiple cohabitations prior to marriage are a specific risk factor for divorce.¹² However, some researchers in the past have suggested that having only one cohabitation, that then leads to marriage, does not result in a significantly increased chance of divorce.¹³ This conclusion is emphatically *not* supported by the most recent set of BHPS data.

For all first marriages that have ended, 48 per cent have done so in divorce, 8 per cent in separation and 44 per

¹¹ *Seven Years in the Lives of British Families*, eds. Richard Berthoud and Jonathan Gershuny (The Policy Press, 2000), p.27 and Table 2.4.

¹² E.g. Daniel T. Lichter and Zhenchao Qian, *Serial Cohabitation: Implications for Marriage, Divorce and Public Policy*, Cornell University, 2007. See http://www.pstc.brown.edu/nmu/Brown%20paper_DLichter.pdf

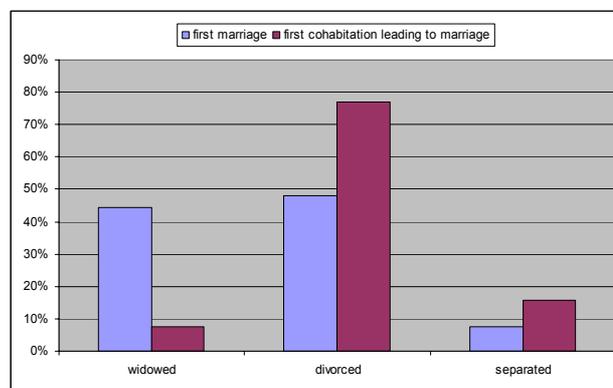
¹³ Cf. Lichter, p. 16: ‘Moreover, the odds of divorce are significantly lower (25-30 percent lower) for women who cohabited only with their first marriage partner than for women who do not cohabit before marriage.’

cent in widowhood. For those who have remarried after divorce, 59 per cent of respondents’ marriages ended in further divorce, 11 per cent in separation and only 30 per cent in widowhood. Previous divorce appears to raise the chances of divorce in a later marriage.

With cohabitation, this picture is even more pronounced. For the never-married, cohabitation that leads to marriage ends in divorce 77 per cent of the time, and separation 16 per cent of the time. Only 7 per cent have ended in widowhood. (For those who have previously cohabited with a different partner, divorce is slightly less likely – 67 per cent – but separation is correspondingly more likely – 24 per cent.) Given that marriages that end in widowhood last longer on average than those that end in divorce, at this stage the sample is still biased towards divorce. However, the 10-year divorce rates for *all* marriages, below, offer a more accurate picture.

The idea that first cohabitations that lead to marriage do not result in an increased rate of divorce is *not* reflected by this data set: prior cohabitation with a spouse is associated with a 60 per cent higher risk of divorce.

Chart 2: Outcomes of first marriages and first cohabitations leading to marriage (excluding ongoing unions)



The idea that first cohabitations that lead to marriage do not result in an increased rate of divorce is *not* reflected by this data set: prior cohabitation with a spouse is associated with a 60 per cent higher risk of divorce.

Not only this, but those who do divorce tend to do so very quickly. The mean length of first marriages (with no previous cohabitation) that end in divorce is 13 years. The median is 11.5 years.

In the case of those marriages that are preceded by a period of cohabitation and end in divorce, divorce tends to happen earlier. The mean length of such marriages is just over 9 years, and the median 7.5 years.

This conclusion is borne out by the 10-year divorce rate. For first marriages with no prior cohabitation, 82 per cent were still together after 10 years. 14.5 per cent had split up (12.1 per cent were divorced, 2.4 per cent separated), with the remainder widowed. For those cohabitations that converted to marriage, the odds of divorcing or separating within ten years were over twice as high. 66 per cent were still married, with 32.9 having split up (27.1 per cent had divorced, 5.8 per cent separated).

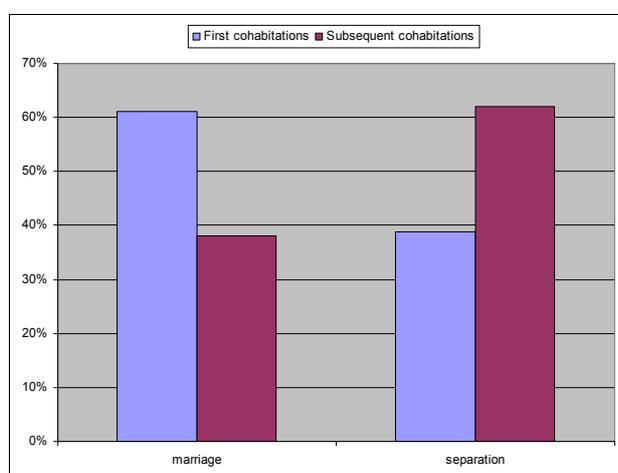
Neither is this discrepancy explained by the length of time cohabitees had already lived together prior to marriage (a mean of 30 months and a median of 21.5 months). Of those cohabitees who later married, 76 per cent were still married after ten years of the start of their cohabitation, with 23.4 per cent having split up (19.2 per cent divorced, 4.2 per cent separated). Even taking into account time already lived together, cohabitees who go on to marry were 60 per cent more likely to have split up within 10 years.

Second and subsequent cohabitations

Generally speaking, the data suggests that second and subsequent cohabitations tend to last slightly longer than first ones – somewhat surprising given the contrast with marriage, since second marriages are more prone to divorce than first ones. Overall, first cohabitations last a median of 22 months, with subsequent ones lasting a median of 24.

For the never-married, first cohabitations are most likely to lead to marriage: 61 per cent of those that have ended have done so in marriage, with 39 per cent leading to separation. For second and subsequent cohabitations, these figures are more-or-less reversed: 38 per cent of never-married second-time cohabitees marry, with the remaining 62 per cent splitting up.

Chart 3: Marriage and separation rates for first and second/subsequent cohabitations



Despite the increased probability of breaking up, long-term cohabitation is more likely for second and

subsequent live-in relationships (though by no means common); in total, 4.2 per cent of first cohabitations last 10 years or more, but 7.6 per cent of second and subsequent ones. This is, perhaps, unsurprising, since many first-time cohabitees do marry; it can be surmised that some of those who do not marry (who then make up a greater proportion of the sample) may be averse to marriage for whatever reason, and that longer cohabitation is seen as an alternative to marriage.

The exception to this tendency is for those who have previously been married (see further below). In this category, second and subsequent cohabitations are shorter-lived (5.9 per cent of second and later cohabitations last 10 years, compared with 9.3 per cent of first cohabitations post-marriage). One explanation for this might be that there is a relatively small number of ‘serial monogamists’ who engage in successive short-term relationships, whether marriage or cohabitation.

Cohabitation and previous marriage

In the 1960s, cohabitation was relatively rare, and a significant proportion of those choosing to cohabit were divorcées. Now, cohabitation accounts for more than four in five first live-in relationships: 82 per cent of all first relationships started since 2000 are cohabitations, up from 56 per cent in the 1980s and 6 per cent in the 1960s. It is also estimated that 25 per cent of 16-to-59-year-olds are cohabiting at any given time.¹⁴

The majority of divorcées choose cohabitation as a new form of relationship, and it appears that their previous experience affects their approach to subsequent cohabitation, though not necessarily in the ways that might be expected. Those who have previously been married tend to engage in longer cohabitations than the never-married, and their cohabitations are more likely to end in marriage. Amongst the never-married, 58 per cent of cohabitations that have come to an end have done so in marriage. Amongst the previously married, this figure rises to 70 per cent.

As suggested in the previous section, this tendency is more pronounced for first cohabitations, either for the never-married or after divorce. Excluding second and subsequent incidences, 61 per cent of the never-married end their (first and only) cohabitation in marriage; for the previously married, this figure is 73 per cent.

Even taking into account time already lived together, cohabitees who go on to marry were 60 per cent more likely to have split up within 10 years.

¹⁴ National Statistics, Living in Britain 2001, Table 5.3. See <http://www.statistics.gov.uk/lib2001/viewerChart4758.html>

Successive cohabitations tend to be less likely to end in marriage for the previously-married. For those relationships that have ended, only 55 per cent do so in marriage.

Cohabitation and children

Rather than add to the stability of a cohabiting relationship, having a child appears to make a couple more likely to separate. When a child is born to a cohabiting couple, 48 per cent end their cohabitation by separating, compared with 39 per cent for all cohabitations. This tendency has apparently become far more acute since the early 1990s.

Fourteen years ago, within five years of the birth of a child, 52 per cent of cohabiting couples had separated, compared with just 8 per cent of married couples. Of those who married after the birth of their first child, 25 per cent had separated.¹⁵ Today, our figures show this remains substantially unchanged. 6 per cent of married couples have divorced within five years of birth, and 50 per cent of cohabitees (the proportion of cohabitees who marry after the birth who split up within five years remains at 25 per cent). However, over a longer period, the picture is very different.

A baby born to cohabiting parents is now more than ten times as likely to see its parents separate than one born to married parents.

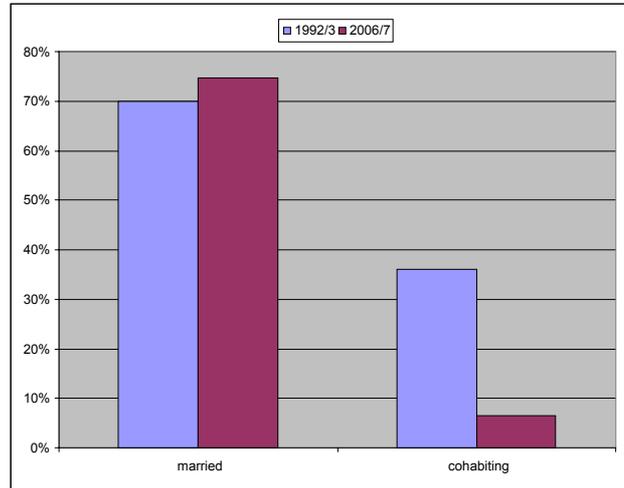
Fourteen years ago, 70 per cent of children born to married parents could expect their parents still to be together when they reached 16. For children born to cohabiting parents, only 36 per cent could expect their parents to be together at age 16. (In other words, the odds of a child spending their entire childhood with both parents was twice as high if the parents were married.)

Today, the odds of a married couple still being together by the time their first child is 16 has risen to 75 per cent. However, the odds of a cohabiting couple remaining together that long have dropped by four-fifths to just 7 per cent: a baby born to cohabiting parents is now more than ten times as likely to see its parents separate than one born to married parents. Of cohabiting couples that later get married, just 17 per cent are still together by the time the child is 16.

Perhaps counter-intuitively, a single mother who later enters a cohabitation with a man who is *not* the child's father is actually *more* likely to end up marrying him. 71 per cent of such cohabitations end in marriage,

compared to 61 per cent of all cohabitations. The reason is presumably that such an arrangement presupposes a degree of responsibility and commitment on the part of the man in the first place, and is not entered into as lightly as a relationship without children.

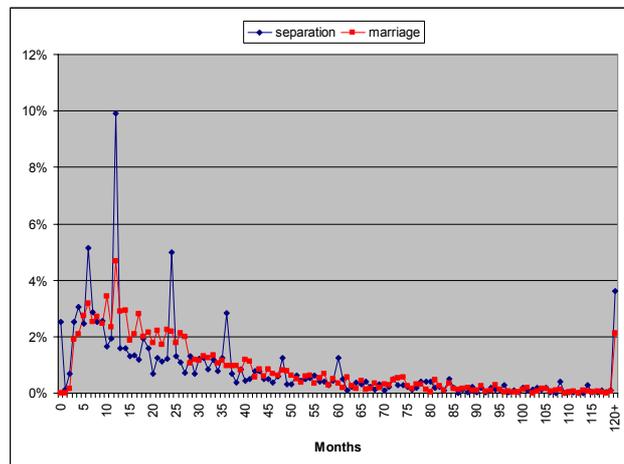
Chart 4: Proportion of married and cohabiting couples still together 16 years after the birth of a child, in 1992/3 and 2006/7



Anniversaries

The data suggests that couples tend to make choices that coincide with significant anniversaries. For never-married partners, the first anniversary of the relationship marks a major watershed. 40 per cent of all cohabitation break-up occurs within the first year, and a quarter of this – 10 per cent of all separations – happens in the month of the first anniversary. Six months is also a decision point – 5 per cent of all separations occur at this point – and other yearly intervals after the first are also occasions of increased separation rates (5 per cent occur at 24 months, almost 3 per cent at 36 months, and 1.25 per cent at both 48 and 60 months).

Chart 5: Duration of cohabitations (never married) by eventual outcome



¹⁵ Kiernan, 1999, Table 11

To an extent, marriage dates also coincide with anniversaries, though presumably for a different reason – couples are choosing in advance to mark the occasion

40 per cent of all cohabitation break-up occurs within the first year, and a quarter of this – 10 per cent of all separations – happens in the month of the first anniversary.

this way, rather than it being a catalyst for reconsidering their relationship. Almost 5 per cent of marriages occur at the first anniversary of cohabitation, with slightly increased incidences at six months and two years, but little correlation after that. This again supports the idea that many couples see cohabitation as a route into marriage, perhaps setting a time-frame before or soon after they move in.

For the previously-married, this picture is more accentuated: at every anniversary month there is a noticeable increase in separation rates, with one and three years being particularly acute (7.7 and 3.7 per cent of all break-ups, respectively). Two years also presents an increased incidence of separation, but previously-married couples are as likely to marry in the 24th month as they are to separate (3 per cent of both all marriages and all separations).

Implications for public spending

The cost of family breakdown to society, whether parents have cohabited or married, is enormous. Whilst the emotional cost (which inevitably has consequences for mental health and economic productivity) is difficult to quantify, a reasonable estimate can be made of the cost to the taxpayer.

The Relationships Foundation¹⁶ has published annual data for the financial cost of family failure.¹⁷ The *direct costs* are analysed in terms of Tax and Benefits, Housing, Health and Social Care, Civil and Criminal Justice, and Education. **For 2007-08, the cost of family breakdown totals £41.7 billion. This is equivalent to £1,350 per taxpayer per year.**

Given the projected rise in cohabiting couples in England and Wales to 3.7 million by 2031, and the clear link between cohabitation and family breakdown, it is fair to expect these costs to rise significantly in coming years.

Key findings

- Cohabitation is generally short-lived. Couples live together for a mean of three years, with almost a half separating before two years. More than half of all cohabitees who separate do so in less than two years.
- Cohabitation is a less stable form of relationship today than it was 15 years ago. Even then, cohabitation was markedly less stable than marriage. Less than a quarter of first cohabitations last five years and just one in nineteen of all cohabiting couples (5.3 per cent) has been together for ten years or more.
- This is particularly pronounced for those couples with children. The proportion of couples still cohabiting by the time their first child is 16 has dropped more than five-fold over 14 years. In contrast, over the same 14 years, marriage has become a more stable family background for children. So, married couples are now **more than ten times as likely to stay together** until their child is 16 – 75 per cent, compared with just 7 per cent of cohabiting ones.
- The incidence of separation is particularly high around anniversary months. The same is true, to a lesser degree, for marriage – couples choose significant times.
- Contrary to popular opinion, cohabitation does *not* serve as a ‘trial marriage’ or reduce the odds of divorce. Not only this, but previous studies suggesting that first cohabitations among the never-married that lead to marriage do not significantly affect the divorce rate are emphatically *not* supported by this data set: such couples are **60 per cent more likely** to divorce than those who have not first lived together.
- The increased divorce rate is not explained by taking into account the length of time that cohabitees have already lived together. Couples who live together before marriage are 60 per cent more likely to divorce within ten years of the start of their live-in relationship.
- The marriages of people who do not cohabit before marriage tend to last an average of four years longer than those who do cohabit before getting married – 13 years compared with 9 years. Couples who cohabited prior to marriage and later divorced are likely to have done so within 7.5 years of their marriage. Couples who did not cohabit prior to marriage and later divorced are likely to have done so within 11.5 years.

¹⁶ www.relationshipsfoundation.org

¹⁷ <http://www.relationshipsfoundation.org/download.php?id=258>

Conclusions

Many couples consider cohabitation to be a route into marriage – something borne out by the recent BHPS data, which shows that two-thirds of cohabiting couples do marry. However, this report indicates that it also forms a route into divorce and separation. Cohabitation is typically a short-lived and fragile state on its own terms, and those couples who cohabit prior to marriage are at increased risk of divorce.

This is especially true where children are involved. Cohabitations with children are particularly prone to dissolution – only one in fifteen lasts until a first child's 16th birthday. Some politicians have suggested that the Law Commission's proposals might encourage marriage and act as a driver for more responsibility. Even if this is the case – for which the evidence is dubious – the danger is that the marriages they do encourage will be more fragile and prone to separation: cohabitation before marriage is associated with a significant increase in the odds of divorce.

The purpose of the proposed legislation is to 'Provide certain protections [in the event of death or separation] for persons who live together as a couple or have lived together as a couple; and for connected purposes.' As it currently stands, comparatively few cohabiting couples will be helped, since the minimum period of cohabitation is set in the range of two to five years; almost half of all cohabitations end before two years, and more than three-quarters before five years. A large proportion of these end in marriage, which has its own legal protections.

Perhaps of more concern is the strong probability that by providing such protections for a minority – and therefore incentivising cohabitation for many who would either have married or not lived together – the Law Commission will disadvantage a much larger number of people, resulting in increased cost to the taxpayer.

These proposals must be considered very carefully as part of an integrated family policy. There is no easy solution to the legal problems posed by couples whose cohabitation ends in separation or death. However, given the cost to the taxpayer of family breakdown, the Law Commission must consider the financial implications of any recommendation that encourages couples to cohabit – either as an alternative to marriage or as a prelude to it, since in both cases it is associated with a serious risk of separation and associated private and public costs.

About the Jubilee Centre

The Jubilee Centre is an independent think tank based in Cambridge. Established in 1983, it offers a Christian perspective on a wide range of current trends and social issues. Since 2004 it has conducted original research into the personal, economic, social and political impact of different relationship choices and family structures.

Previous publications arising from this research include *Consent versus Community: What basis for sexual offences?* (2006), *Just Sex: Is it ever just sex?* (IVP: 2009), *Sex and the iWorld: Rethinking relationship beyond an age of individualism* (Baker: 2009), and the *UK Marriage Index*. Each of these is available via the Jubilee Centre's website, at www.jubilee-centre.org

Further reading

Counting the cost of family failure. Relationships Foundation, briefing note no. 2, February 2010. See <http://www.relationshipsfoundation.org/download.php?id=258>

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