

# Cohabitation preparation or substitution law family essay

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## Introduction

Over the past half-century, the United States has played witness to a social evolution that has observed the transformation of the American family from the conventional formula of mother, father, and children, to include new elements outside the standard definition. The ensuing results of these social and economic factors have transformed the definition of the family unit to include a broader meaning of what represents a household. The replacement of the institution of marriage by cohabitation between parents has shown to have a detrimental effect on children raised in the home when compared to their counterparts from a divorced family. Researchers and authors of the article entitled *Why Marriage Matters* is showing the effect cohabitation is having on these children in comparison to the children of divorced parents. The report, which was released on August 16, 2011, the lead author of the report states: In a striking turn of events, the divorce rate for married couples with children has returned almost to the levels we saw before the divorce revolution kicked in during the 1970s. Nevertheless, family instability is on the rise for American children as a whole. This is mainly because more couples are having children in cohabiting unions, which are very unstable. This report also indicates that children in cohabiting households are more likely to suffer from a range of emotional and social problems—drug use, depression, and dropping out of high school—compared to children in intact, married families.[1] The report goes on to say that the research shows children of cohabitating parents are at risk for a wide array of problems. This starts from trouble at school, psychological stress, poverty, and physical abuse.[2] The National Marriage Project and the Institute for American Values

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are two groups whose aim includes reinforcing the Institute of marriage and the idea of a strong family life. They advocate that study needs to be done on children of cohabitating parents as opposed to parent of divorce families, as children of cohabitating parents are normally the focus of research. Statistics say divorce rates have declined annually the peak in 1979-80, while rates of out-of-wedlock births have skyrocketed. A little less than half of today's births are to women not married, but living with the father of their child. W. Bradford Wilcox, the lead researcher for this report, says that a large group of children raised in divorce homes are hesitant about getting married, even if they have children. But the same research indicates that these couples are twice as likely to divorce.[3]What are the factors that lead people to decide not get married? What makes them decide to take on the responsibility of parenthood, but not the responsibility of marriage? Are there any ethical, policy driven, or legal recommendations available remedy the situation? In the course of this article, I will first examine why people choose to cohabit, and then I will discuss the effects this has on the children who were born in a cohabitation environment. I will describe what I think is the problem inherent with each step, and offer a solution that best addresses the problem at hand.

## **Why Cohabitation?**

Cohabitation in the United States has increased by more than 1, 500 percent in the past half century. In 1960, about 450, 000 unmarried couples lived together. Now the number is more than 7. 5 million.[4]A large number of young adults in their 20s will cohabit with a partner at least once, and more than 50% of all marriages are preceded with cohabitation. The shift in

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this type of lifestyle choice has been attributed to several things: the sexual revolution in the last part of the 20th century, the readily availability of birth control, and with the way the economy has been for the last few years, the idea of splitting the bills is very appealing to those not making very much at work. But there is one more factor that seems to point to the attractiveness of cohabitation: it is seen as a prophylaxis. A large number of people surveyed ported that they would only marry someone if they could live with them first. Like a car, they decide to " test drive" the person before making a final purchase. This idea was shared by at least half of the people surveyed by the National Marriage Project. It was their way to find out if they were compatible with a possible spouse for entering into marriage. Two thirds polled in the same survey believe it was a good way to avoid divorce, or at least make it less likely. For those couple who actually follow through with this course of action, the results were extremely different. People who choose to cohabit are more likely to be unsatisfied in their marriage. This number grows if they choose to cohabit before an engagement or any other clear commitment is made. The outcome has been labeled the cohabitation effect.[5]Originally researchers believed this was the effect of people who did not believe in marriage, and were more open to the idea of divorce, as opposed to those who only going to marriage believing they are going to make it work 100%. As cohabitation became more popular, this belief shifted the idea was found in the idea of cohabitation itself. The effect is called " sliding not deciding," and came about as a result of cohabitating being a gradual slope that they tend to fall into, as opposed to the ceremonious ways of engagements and weddings. It begins with a couple

start dating and start sleeping over to more frequent sleeping over, and simply into cohabitation after that, because the league is not very big. As an effect, sometimes couples end up living together without ever having a real conversation about it. It seems that men and women each have their own idea about what cohabitation is about. Women are more likely to view cohabitation as a step towards marriage while men view it as a way to test a relationship, or even postpone getting engaged or married. This divide in the purpose of cohabitation can sometimes be carried into the marriage. People will still have the belief, even after marriage, that they still have an easy way out once married, because they became accustomed to that frame of thinking during the cohabitation period. One idea shared by both men and women however, is they treat their live-in partner with a lower standard than they would with a wife or husband. Cohabitation might not be as big a problem if it was as easy to slide out as it is to slide in. The biggest problem is people that young do not always think about the long-term consequences of their decision. They imagine that it is a low-cost, and possibly low risk, situation they have entered into only to find out in way over their heads by the time it is too late. In economics, the term is called consumer lock-in.[6] In a way it is a lot like a credit card. You are drawn in with a 0% interest rate, but the slightest mistake will raise that to 23%. Before you know it, the debt feels insurmountable, just as getting out of cohabitation might feel. Also like a credit card, there are set up costs, and there are switching costs. At first, the idea of living together seems like a lot of fun and cheap, and then the cost start creeping in. Later on, after the fun is over, these costs make it very difficult for cohabitation to end. It can range from simple things like the cable

bill is a one person's name, to more heart-breaking decisions such as deciding who gets the pet that they acquired while together. Also like a credit card, there are set up costs, and there are switching costs. At first, the idea of living together seems like a lot of fun and cheap, and then the cost start creeping in. Later on, after the fun is over, these costs make it very difficult for cohabitation to end. It can range from simple things like the cable bill is a one person's name, to more heart-breaking decisions such as deciding who gets the pet that they acquired while together. This is referred to as " relationship inertia." [7] Simply stated it is harder to vendor relationship with somebody you cohabitate with, then it is any other time outside marriage. Just the idea of splitting assets is enough to make some people place in enough not to make a move. In essence, people are getting married because it is easier than dividing up the furniture. Cohabitation also poses the problem of a relationship " sunk cost." [8] People in a cohabitation relationship make it harder to end the relationship with every additional investment they put towards the cohabitation. When they think about the time, energy, and money they have put into the relationship they have a harder time of cutting their losses. Another problem of couples who cohabitate is the idea that since they spend more time together, they have less opportunity to meet other people who could be potential partners. That makes people less likely to choose a partner they are actually happy with versus settling for one they are ready have, not knowing there might be something better out there. The connection between divorce and cohabitation seems to be letting up a slight bit, according to a report released by the Department of Health and Human Services. [9] Other

encouraging news reports that more people are considering marriage in their decisions cohabit. Among Americans who have ever lived with an unmarried partner, nearly two-thirds say they thought about it as a step toward marriage.[10]The reality is cohabitation is not going away, but it seems more people are taking it serious as a step towards marriage, as opposed to an easy out of a relationship. As the next section starts to explore, what are the repercussions that cohabitation will have on the children, as it was once thought that divorce was the main danger to children from a " broken home" face. Today the term broken home does not always mean just divorce, as it can also mean parents that are no longer cohabitating together even if they were never married.

## **The Effect on the Children**

What are some of the things that could be disruptive to a child when cohabitating parents split up? There are several theories that could possibly contribute to the effect on the children. There is a possibility that after parents split, either one could rush into another relationship with the idea that a child will benefit from the " stability" that arises from the presence of two parents, when in reality the change could be very harmful to the child. Also, the presence of a new parent figure in their life can be dramatic for children, and would be better off just to live with a single, loving parent. The trust of a child is not always easily earned, and can result in great anxiety and trepidation for the new adult in their personal space and home. This is not to say that all marriages are good and beneficial, and there are plenty of examples cohabitating couples that create the ideal family a good harmony. The one thing that is true, is that cohabitation in the United States is not a

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stable as some countries in Europe, where it is more normal with family outside the institution of marriage. For Americans, child psychologist something Gottman says the evidence for marriage is strong. The institution's wide-ranging benefits — better health, longevity, greater wealth — are not conferred on those who cohabit. Based on the new data now available, the authors of *Why Marriage Matters* came up with three different conclusions in regards to the correlation between marriage and families: First, the intact, biological, married family remains the Gold Standard for family life in the United States. Children are most likely to thrive, economically, socially, and psychologically, in this family form. Second, marriage is an important public good, associated with a range of economic, health, educational, and safety benefits that help local, state, and federal governments serve the common good. And third, the benefits of marriage extend to poor, working class, and minority communities, despite the fact that marriage has weakened in these communities in the last four decades. [11]I will discuss each one in detail and hypothesize as to the reason for each.

### **The intact, biological, married family remains the Gold Standard for family life in the United States:**

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### **Marriage is an important public good:**

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**The benefits of marriage extend to poor, working class, and minority communities:**

-- Despite the fact that marriage has weakened in these communities in the last four decades.