

Findings

Living Together

How Cohabitation Undermines Marriage and the Family

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dangerous social trend is growing in prevalence and popularity in North Carolina and across the country. It's called cohabitation, and in spite of the fact that it significantly

lowers the chances for a successful marriage and raises the odds that children will spend at least part of their lives in poverty and be more vulnerable to abuse, more Americans are choosing to cohabit than ever before. This paper reviews how cohabitation negatively affects marriage and the family and explains why North Carolina's law prohibiting cohabitation should remain the standard in this state.

Cohabitation—which can be defined as an unmarried man and woman living together as husband and wife (i.e., having sex, sharing expenses)—is on the rise. In this country alone, the number of unmarried couples is estimated to exceed 5.7 million,¹ double the number of cohabiting couples reported in 1990, and thirteen times the number of cohabiting couples in 1960.² Cohabitation has replaced marriage as the first living together union for couples, according to David Popenoe and Barbara Dafoe Whitehead in their 2002 study of cohabitation in the United States, "Should We Live Together?"³ In fact, cohabitation precedes over half of all first marriages today, and an estimated quarter of unmarried women aged 24 to 39 are currently cohabiting.⁴

As noteworthy as the rapid expansion of cohabitation, is the social acceptance it has received. There was a time when living together before marriage was considered socially unacceptable. Before 1970, it was against the law in most states.⁵ Today, cohabitation is considered by many as a social norm and is often portrayed in

movies and on television as either a viable alternative to married life, or as a good way to test a relationship prior to making the commitment of marriage.

A Profile

The popularity of cohabitation raises some important questions, such as why is it so popular and who is doing it? For some, living together has come to be viewed as a safer alternative to marriage in light of increasing divorce rates and family break down. For others, it is a way to test the waters and be sure a relationship has what it takes to last a lifetime. According to sociologist Dr. David Popenoe, young people who have experienced the painful breakup of their own parents feel that they are fighting long odds and are more likely to cohabit because of this.⁶ This trend can especially be seen in the changing attitudes of young people toward marriage.⁷

For example, one survey of high school seniors found that 66 percent of boys and 61 percent of girls said that they "agreed" or "mostly agreed" that "it is usually a good idea for a couple to live together before getting married in order to find out whether they really get along."⁸ In addition, only about 30 percent of high school senior girls and 39 percent of boys said they felt that "most people will have fuller and happier lives if they choose legal marriage rather than staying single or just living with someone."⁹

Who is cohabiting is as important as why couples are choosing to live together outside of marriage. Cohabitation is more prevalent among minorities, those with lower incomes and those who are divorced and/or who have experienced parental divorce.¹⁰ With the chances of recent marriages ending in divorce hovering around 50 percent, the number of people who view marriage as an unstable institu-

tion shows no sign of decreasing.¹¹

According to estimates by the U.S. Census Bureau, there were approximately 153,559 unmarried-partner households in North Carolina in 2003.¹² As the popularity of cohabitation has increased, so have the voices in support of it. In North Carolina, an attempt has been made in the State Legislature and in court to erase the law that makes cohabitation a criminal offense in this state.¹³ The law, which has been in place since 1805, states: "If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a Class 2 misdemeanor."¹⁴

Some critics of the 200-year-old law have urged North Carolina to adopt a more "modern" view of unmarried couples living together. Some in the media have dubbed the law "archaic" or "old-fashioned."¹⁵ Others argue that these types of laws are not being enforced and should not be retained.

While the push to repeal the law against cohabitation has not yet been successful in North Carolina, there have been some strides in that direction. The General Assembly approved a bill in 1999 that allows the state's Crime Victim Compensation Commission, which uses state and federal funds to pay crime victims or their relatives for medical or funeral expenses, to award funds to crime victims (of domestic violence, for example) who are cohabiting with the perpetrator of the crime.¹⁶ Prior to this legislative change, the Commission had been prohibited from awarding payment to a crime victim if the victim was committing certain misdemeanors (like cohabitation) when the crime was committed against them.¹⁷

The most often used argument about cohabitation is that it is a private decision that doesn't hurt anyone else, which is the

premise of a lawsuit filed in 2005 by the American Civil Liberties Union (ACLU) seeking to have North Carolina's law against cohabitation ruled unconstitutional.¹⁸ This argument has been emboldened by the U.S. Supreme Court's decision in *Lawrence v. Texas*, which struck down a Texas statute that made it a crime for two consenting persons of the same sex to engage in sodomy.¹⁹ Legal experts across the country are still debating the meaning of the Supreme Court's decision and how it applies to state laws across the country, including in North Carolina.

Protecting a State Standard

Repealing North Carolina's fornication and adultery statute would represent a significant change in the public policy of this state. North Carolina has many laws reflecting the principle that sexual activity should be reserved for the marriage relationship. These include the crime against nature statute,²⁰ the torts of alienation of affection and criminal conversation; the abstinence-until marriage law;²¹ and rape and incest laws.²² All of these state laws complement one another as part of a seamless state policy that emphasizes marriage as the appropriate context for sexual activity.

At a minimum, North Carolina's law prohibiting cohabitation sends the message that in this state, marriage is an institution that should be encouraged and protected. Out-of-wedlock sexual activity is responsible for the prevalence of sexually transmitted diseases, unwed childbirth, abortion and a host of other social ills that, if left unchecked, create significant problems for the state. Promoting marriage and sexual activity within marriage is a policy that encourages what is best for society and, in turn, what is best for the state.

Social science research has been quantifying the effects of cohabitation over the last few decades, and it is the findings of this research that validate the rational basis for North Carolina's cohabitation statute. Research has shown that living together outside of marriage has an impact that reaches far beyond the bedroom doors into the home and across society. North Carolina's cohabitation law is based on the recognition of the social ills that accompany cohabitation and affirms that this behavior should be discouraged. Exactly how much damage cohabiting can do to marriage, family prosperity and the mental and physical health of women and children will come as a surprise to many people.

Impact on Marriage

One of the most damaging effects of cohabitation is what it does to marriage. According to Maggie Gallagher, noted author and president of the Institute for Marriage and Public Policy, cohabitation is more threatening to marriage than premarital sex. "Cohabitation apes marriage and thus creates the external appearance of a union of lives without creating the internal, moral, legal, or emotional reality of such a union," Gallagher writes in *The Abolition of Marriage*. "The result is highly destabilizing, not just for marriage as an institution, but for the young men and women who mistake the substitute for the real thing."²³

Why is Gallagher so concerned? Perhaps, because about 40 percent of cohabiting relationships will end before marriage.²⁴ Not only do these young adults who cohabit have to deal with broken hearts and shattered self-esteem after a breakup, but they are also faced with the very real chance that their prior cohabiting relationship will cost them success in their future marriage—a finding supported by multiple studies. One study found that couples living together before marriage have a 50 percent higher disruption rate than couples that did not cohabit before marriage.²⁵ Another study found that women who cohabit before marriage are 33 percent more likely to see their marriage end in divorce or separation than women who did not live with their spouse before marriage.²⁶

The quality of the marriage relationship is also diminished significantly for couples who cohabit prior to marriage. These couples have higher levels of instability and disagreement and lower levels of interaction than couples who have not cohabited prior to marriage. A Pennsylvania State University study pointed out that, "Among married individuals, premarital cohabitation is related to lower marital satisfaction, less time spent together in shared activities, higher levels of marital disagreement, less supportive behavior, less positive problem solving, more reports of marital problems, and a greater perceived likelihood of marital dissolution."²⁷ Another study found that couples who had lived together before marriage were not as able to communicate effectively when resolving marital or personal problems as couples who did not cohabit before marriage.²⁸

Though the reasons why cohabitation impacts marriage are not completely clear, there is ample evidence that living togeth-

er before marriage undermines the ethic of commitment that accompanies marriage. Researchers Popenoe and Whitehead state:

*"Although cohabiting relationships are like marriages in many ways—shared dwelling, economic union (at least in part), sexual intimacy, often even children—they typically differ in the levels of commitment and autonomy involved. According to recent studies, cohabitants tend not to be as committed as married couples in their dedication to the continuation of the relationship and reluctance to terminate it, and they are more oriented toward their own personal autonomy. It is reasonable to speculate, based on these studies, that once this low-commitment, high-autonomy pattern of relating is learned, it becomes hard to unlearn."*²⁹

It appears that cohabitation also increases acceptance of divorce as the experience of ending cohabiting relationships contributes to a greater willingness to end future relationships when levels of happiness are diminished—relationships that might otherwise be rescued.³⁰

Comparing Relationships

While cohabiting couples often have the outward appearance of a married couple, a comparison of cohabiting and married relationships shows that they are not as satisfying as marriage—a finding that reflects the levels of uncertainty inherent in cohabitation.³¹ Compared to married couples, cohabiting couples report lower levels of commitment to their relationship.³² Those in cohabiting relationships also have greater levels of disagreement and lower levels of happiness. One study found that cohabitators report lower levels of fairness and happiness in their relationships than do married couples.³³ Cohabitators also report annual rates of depression that are three times higher than married couples.³⁴

Another measure of the reduced level of commitment in cohabiting relationships is the reduction in sexual fidelity. Married women are five times less likely to have a secondary sex partner compared to cohabiting women.³⁵ Ninety-six percent of married men reported not having sexual relations with anyone other than their spouse during the previous year, compared to only 69 percent of cohabiting men.³⁶ Cohabitation also appears to affect future fidelity in marriage. One study found that living together increases the chance of infidelity after marriage by 39 percent.³⁷ Clearly, cohabitation and marriage are qualitatively different.

Additional Risks for Women

Women are the real losers in cohabiting relationships. While the men get many of the advantages of marriage without having to legally commit to the relationship, the women get very few, if any. Many women in these relationships end up playing the role of the wife, without having any of the benefits.

The findings mentioned in the previous sections particularly spell trouble for women who enter cohabiting relationships that may prove unstable and lead to less satisfying and secure marriages. Married mothers have reported less conflict and greater psychological well-being as well as more love and intimacy in their relationships with their partners than cohabiting or single mothers.³⁸

Cohabitation also makes women more vulnerable to abuse. It is more common for women who cohabit to suffer physical and sexual abuse than women who are married.³⁹ Aggression among cohabitators is twice as high as for married couples, and studies have even found that women in cohabiting relationships are significantly more likely to be killed by their partner than married women.⁴⁰

Harmful to Children

Cohabitation involves more than just two adults who share a bed and split household expenses. When couples cohabit, the effects are often felt by society's most vulnerable—the children.

Children are more and more becoming a distinct part of cohabiting households. In 2000, 41 percent of all unmarried-couple households included children under age eighteen.⁴¹ According to one recent estimate, nearly half of all children today will spend at least some part of their lives in a cohabiting family before they reach 16-years-old.⁴²

Only a small percentage of children living in unmarried-couple households are actually born to that couple; therefore, most children living with a cohabiting couple do not have a biological relationship to both individuals.⁴³ Because many of these children are living with non-blood relatives, they are at greater risk of suffering from parental breakup. In fact, nearly 80 percent of children who have lived in cohabiting households will spend some of their childhood in a single-parent home.⁴⁴ For those who are born to cohabiting parents, three quarters will suffer from the breakup of their family before age 16, compared with one-third of children born to married parents.⁴⁵

The instability of cohabiting relation-

ships causes other problems for children, similar to those experienced by children of divorce. According to a study by researchers at Princeton and the University of Wisconsin, these children have more behavior problems and poorer academic performance than kids in married families.⁴⁶

One of the greatest risks to children from cohabiting relationships has to do with their vulnerability to physical and sexual abuse. According to abuse-prevalence studies that look at both married and unmarried stepparent families and mother's boyfriends (cohabiting and dating), there are higher levels of child abuse in these situations than in intact families.⁴⁷ A study in Great Britain that examined the relationship between child abuse and the marital background of parents found that children of cohabiting parents are 20 times more likely to suffer abuse than children

Nearly 80 percent of children who have lived in cohabiting households will spend some of their childhood in a single-parent home.

living with married parents. Also according to the study, a child who is living with his or her mother and her boyfriend (who is not the father) is 33 times more likely to be abused.⁴⁸

A child is also at greater risk of being killed in a cohabiting household. According to a study presented at a meeting of the American Academy of Pediatrics in 1998, the risk of a child being killed by an adult living in his household is eight times greater if they are biologically unrelated.⁴⁹

Family Income

The relationship between child poverty and cohabitation is quite significant. Not only do children in cohabiting households have to deal with higher chances of family breakup and abuse, they also have to deal with lower levels of family income.

In fact, studies have found that children in cohabiting households are more likely to be living in poverty than those living in married couple households, with one-third less income than children in married households.⁵⁰ According to 1996 statistics, children in cohabiting homes have a 31 percent poverty rate, even when the cohabiting partner's income is considered.⁵¹

Because the majority of children in cohabiting households are from previous marriages and because cohabiting couples are more likely to split up after marriage,

the chance that a child in this situation will experience familial breakup at some point in their lives is high. This is significant, because the dramatic increase in single-parent families has contributed significantly to child poverty.⁵² As noted earlier, nearly 80 percent of children who have lived in cohabiting households will spend some of their childhood in a single-parent home.⁵³ "Given this high level of disruption," writes Patrick Fagan of The Heritage Foundation, "cohabitation can be a good marker of future weakness in household income and the economic and social situation of children in these unions."⁵⁴

Conclusion

Cohabitation is indeed on the rise in America today. With over 5 million unmarried couples living together in this country and with 41 percent of these households including children, this is no longer an issue that society can afford to ignore.⁵⁵

Many of the arguments in support of cohabitation may appear compelling. But Barbara Dafoe Whitehead and David Popenoe make an important point in their review of recent research on cohabitation. They write: "For young people who have already suffered the losses associated with parental divorce . . . cohabitation often recapitulates the childhood experience of coming together and splitting apart with the additional possibility of more violent conflict."⁵⁶

North Carolina's cohabitation law is a cornerstone of state marriage policy and is one of many state laws that point to marriage as the only proper context for sexual activity. The law emphasizes that marriage is the family structure that should be encouraged because it is the best institution for adults, children and society. Therefore, the burden of proof falls on those who want to remove the law, which has been a standard for centuries. Social science research has clearly shown that living together before marriage is associated with many negative outcomes, especially for women and children. Such findings provide a rational basis for a law that supports marriage and encourages sexual activity only within its much safer confines.

As numerous studies have revealed, the harmful effects of cohabitation far outweigh any benefits it may appear to have. Cohabitation is not something that leads to healthier relationships and lasting marriages. In fact, it has been shown to further devastate the institution of marriage by increasing the chances that a couple will end up in divorce, while helping to decrease

the marriage rates at the same time.

And that's not all. Its impact on children offers further proof that cohabitation is about more than two people who share a bed and split expenses. In light of all this, why are so many people choosing to cohabit? Perhaps because very few people realize the damage that cohabitation can do.

"Cohabitation comes wrapped in the language of commitment, but at its core it is about anxiety, commitment with its fingers crossed," writes Maggie Gallagher. "[It] is what lovers do when at least one of them does not dare to marry, to love without a net. It is yet another confirmation of the triumph of fear over love—and perhaps the most destructive one."⁵⁷

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Endnotes

1. U.S. Census Bureau. General Demographic Characteristics 2003: United States.
2. U.S. Census Bureau. Unmarried-Couple Households, by Presence of Children: 1960 To Present.
3. Popenoe, David and Barbara Dafoe Whitehead. "Should We Live Together: What Young Adults Need to Know about Cohabitation before Marriage." Second Edition (2002). The National Marriage Project. Rutgers University. Pg. 1.
4. Popenoe, David and Barbara Dafoe Whitehead. "The State of Our Unions 2004: The Social Health of Marriage in America." The National Marriage Project. Rutgers University. Pgs. 20-21.
5. Op. cit. "Should We Live Together?" Pg. 12.
6. Ibid. Pg. 4.
7. Martin, Paige D., Don Martin and Maggie Martin. "Adolescent Premarital Sexual Activity, Cohabitation, and Attitudes Toward Marriage." *Adolescence*. Vol. 36, No. 143, Fall 2001.
8. Op. cit. "Should We Live Together?" Pg. 3.
9. Op. cit. "State of Our Unions 2004." Pg. 27.
10. Op. cit. "Should We Live Together?" Pgs. 10-11.
11. Op. cit. "State of Our Unions 2004." Pgs. 18-20.
12. U.S. Census Bureau. General Demographic Characteristics 2003: North Carolina. Available online at www.census.gov.
13. N.C. General Assembly. Senate Bill 816—Privacy Protection Act. 1999 Session. See also: Hartsoe, Steve. "ACLU Challenges N.C. Cohabitation Law." *The Washington Post*. May 10, 2005.
14. N.C. General Statute § 14-184. "Fornication and Adultery."
15. Sheehan, Ruth. "It's Time to Liberate Archaic Law." *Raleigh News and Observer*. August 27, 1999. See also: Connected: Coast to Coast television program. Appearance by Stephen Daniels (NCFPC). MSNBC. May 12, 2005.
16. North Carolina General Assembly. House Bill 290—Amend Crime Victims' Compensation Act. 1999 Session.
17. Ibid.
18. Mack, Angela. "Cohabiting woman who lost job sues: She, ACLU want old law overturned." *Wilmington Morning Star*. March 28, 2005.
19. *Lawrence v. Texas*, 539 U. S. 558 (2003).
20. N.C. General Statute § 14-177. Crime Against Nature.
21. N.C. General Statute § 115C-81(e1).
22. N.C. General Statute § 14-27.2 and 14-27.3. See also N.C. General Statute § 14-178 and 14-179.
23. Gallagher, Maggie. *The Abolition of Marriage: How We Destroy Lasting Love*. Washington D.C.: Regnery Publishing, 1996. p. 168.
24. Bumpass, Larry L. and Arland Thornton. "The Role of Cohabitation in Declining Rates of Marriage." *Journal of Marriage and the Family*. Vol 53, 1991. Pgs. 913-927.
25. Ibid.
26. Teachman, Jay. "Premarital Sex, Premarital Cohabitation, and the Risk of Subsequent Marital Dissolution Among Women." *Journal of Marriage and Family*. Vol. 65, May 2003. Pgs 444-455.
27. Kamp Duch, Claire M. Catherine L. Cohan and Paul R. Amato. "The Relationship Between Cohabitation and Marital Quality and Stability: Change Across Cohorts?" *Journal of Marriage and Family*. Vol. 65, August 2003. Pgs. 539-549.
28. "Married Couples Who Lived Together Before Wedding Show Poorer Communication Skills." Penn State press release. July 17, 2000.
29. Op. cit. "Should We Live Together?" Pg. 5.
30. Ibid. Pgs. 5-6.
31. Ibid. Pg. 6.
32. Nock, Steven L. "A Comparison of Marriages and Cohabiting Relationships." *Journal of Family Issues*. Vol. 16, No. 1, 1995. Pgs. 53-76.
33. Brown, Susan and Alan Booth. "Cohabitation versus Marriage: A Comparison of Relationship Quality." *Journal of Marriage and the Family*. 58 (Aug. 1996): 668-678.
34. Op. cit. "Should We Live Together?" Pg. 7.
35. Forste, Renata and Koray Tanfer. "Sexual Exclusivity Among Dating, Cohabiting, and Married Women." *Journal of Marriage and the Family*. Vol. 58, 1996. Pgs. 33-47.
36. Billy, John O.G. "The Sexual Behavior of Men in the United States." *Family Planning Perspectives*. Vol. 25, No. 2, March 1993. Pgs. 52-60.
37. Treas, Judith. "Sexual Infidelity Among Married and Cohabiting Americans." *Journal of Marriage and the Family*. Vol. 62, No. 1, February 2000. Pgs. 48-60.
38. Aronson, Stacy R. "The Mother-Infant Relationship in Single, Cohabiting, and Married Families: A Case for Marriage?" *Journal of Family Psychology*. Vol. 18, No. 1, 2004. Pgs. 5-18.
39. Rector, Robert. "Marriage: Still the Safest Place For Women and Children." *Backgrounder*. The Heritage Foundation. March 9, 2004.
40. Op. cit. "Should We Live Together?" Pg. 7.
41. U.S. Census Bureau. *America's Families and Living Arrangements 2000*.
42. Op. cit. "Should We Live Together?" Pg. 8.
43. Ibid.
44. Fagan, Patrick. "How Broken Families Rob Children of Their Chances for Future Prosperity." *Backgrounder*. The Heritage Foundation. June 11, 1999.
45. Ibid.
46. Thomson, Elizabeth and Thomas L. Hanson and Sara S. McLanahan. "Family Structure and Child Well-Being: Economic Resources vs. Parental Behaviors." *Social Forces*. Vol. 73, September 1994. Pgs. 221-42.
47. Rector, Robert E. Patrick F. Fagan and Kirk A. Johnson, Ph.D. "Marriage: Still the Safest Place for Women and Children." *Backgrounder*. The Heritage Foundation. March 9, 2004.
48. Ibid.
49. Carbone, Leslie. "For Better or Worse?" *Philadelphia Inquirer*. June 5, 1999.
50. Op. cit. "Should We Live Together?" Pg. 9.
51. Carlson, Marcia and Sheldon Danziger. "Cohabitation and the Measurement of Child Poverty." U.S. Census Bureau. Feb. 1998.
52. Rector, Robert E., Kirk A. Johnson, Ph.D., Patrick F. Fagan, and Lauren R. Noyes. "Increasing Marriage Will Dramatically Reduce Child Poverty." The Heritage Center for Data Analysis. May 20, 2003.
53. Op. cit. "How Broken Families Rob Children of Their Chances for Future Prosperity."
54. Ibid.
55. U.S. Census Bureau. *General Demographic Characteristics 2003: United States*. See also: U.S. Census Bureau. *America's Families and Living Arrangements 2000*.
56. Op. cit. "Should We Live Together?" Pg. 11.
57. Op. cit. Gallagher.

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