

Tie the knot now or be tied up in knots later

Never mind the tradition and the trappings. Marriage is still the best way to protect yourselves financially

Libby Purves



A wise teacher once told me: "Fine to go with your first gut instinct, but only after you've had a stroll round the arguments." The mantra has, many a time, seen me regretfully dumping an initial view and nodding along with what at first seemed crazy. So when the senior family judge Sir Nicholas Wall joined the cry to give cohabiting couples financial rights when they break up (even without underage children) I tried to stifle my usual response to such reforms.

This tended to be a snarl of "Grow up, people! Either marry, or don't. Your choice." To the argument that marriage is oppressive, conventional, and expensive I would snap: "It's not necessarily religious, it costs a £77 fee, you don't need to dress as a giant meringue and spend a fortune, that's just cultural flummery. Oh, and you can keep your maiden name."

But, say the more hippyish cohabitees, having "a piece of paper" is insulting; invasive of private emotional space. Fine, but when it comes to material rights pieces of paper are useful — contracts, receipts, all that. If you care only for hearts and flowers and freedom, that's your choice. Don't come whining to the courts when things go wrong.

This sort of irritable shrug from me clearly won't do, not when I'm up against the President of the Family Division, who sees much human folly and misery and tells us that "women cohabitees in particular are severely disadvantaged by being unable to claim maintenance". Indeed, it is not uncommon to find women who drift into living with a man, help out for decades with expenses, then get dumped and find that he still owns the

house, or most of it. Or else a married but deserted person moves in with a new lover and dies after many years, whereupon the partner who nursed him is left bereaved and utterly without rights. Even over the funeral.

It was to address such anomalies in gay couples that civil partnerships were, rightly, invented. But if marriage is an option, who needs other protection? We do not live in 1890. Divorce and remarriage are legally easy. If you really want to commit yourself and protect a partner, the way is clear. Drifting is a choice.

"Ah," say proponents of change such as David Allison, who chairs the association of family lawyers, "but the majority of people don't understand that living together does not give them any financial protection." The long-abolished notion of a "common law" spouse still has a grip. We should "reflect the changes in our society" — including, presumably, the immovable ignorance of that supposed majority. The most humane reformer on our

Are we to go back to sheet-sniffing private detectives?

letters page — Rabbi Jonathan Romain — argued on Friday that yes, it would have been better to get married in the first place "but we still throw lifebelts to those who get into deep waters through their own folly".

OK. Some people will always stagger along life's towpath, drunk with emotion, and fall into the canal. "Splash!" goes the social lifebelt: they do not starve. But providing a lifebelt is not the same as erecting a stout fence all the way along. What disturbs me is the infantilising element in this

proposal, the idea that because too many people vaguely believe in a long-extinct legal concept, Nanny must make their delusion a reality. Where children are concerned, protection does exist (badly enforced, but that's another matter) because children didn't choose to get into this

scrape. Adults, on the other hand, did.

Embarking on cohabitation, at some point you consider practicalities. Even Romeo and Juliet should not start decorating a bathroom together without a passing thought about who it belongs to.

Years ago, newly bonded, we actually kept a notebook to write down every household expense and who paid, levelling up at the end of the month: it is a hilarious historical document now, given how cheap everything looks ("Shopping, £4.80"). This was not done in any ungenerous spirit, but to prevent either of us feeling like a freeloader. When we married we

chucked the book in an old suitcase, since everything now was shared.

Committing yourself does save a lot of faffing about. If we had stayed cohabitees when we bought our first home, at the risk of seeming like a cold fish I think I would have wanted a written agreement about ownership. In fact, I know I would: we actually shared a boat before we were married, and had a written and legal agreement on both its ownership and its use.

It's not a mean thing to do, just sensible — 21st-century women, in particular, shouldn't be encouraged to be feeble and impractical. Obviously, lawyers might charge you a bit more than the 77-quid register office marriage fee, but there you are: the law already kindly provides a cheap, bombproof way of protecting yourself.

Besides, Sir Nicholas, how do we define cohabitation — especially without children? Suppose this law came in: imagine the chaotic

arguments in your court. "We weren't totally living together, she spent a lot of time at her mother's"; "It was sort of informal really, he used to be here at weekends but he travels a lot..." Or, perish the thought: "I have no idea what he's talking about, the dirty beast. He was the lodger/my brother's old schoolfriend/a tramp I took in". Or indeed: "She was just the maid! Never went near her!"

Are we to go back to sheet-sniffing private detectives? The distinction between lodger and lover has already



proved tricky enough to lose a decent government minister his job over an expenses claim. Is this to be reproduced ten thousand times in the courts?

“Opposition to reform,” pronounced another lawyer, “is predicated on the assumption that reform would somehow undermine marriage.” No, it’s not. Not mine, anyway. That’s a ridiculous argument, just as it was when used against gay civil partnerships. In fact — and less scrupulous cohabitants may shudder at this — giving cohabitants lavish rights could actually boost marriage, on the principle that you might as well be hung for a sheep as a lamb. For what will happen to those free spirits who deliberately don’t want a commitment they can’t walk away from? Will they have to opt out, via some separate, onerous legal arrangement? How romantic will that be?

Good grief — we may be moving back to the decorous age in which the price of any live-in sexual companionship was fiscal and legal responsibility. In which case (deep breath), why not just get married?

You, the editor

What do you think of today’s Times? Send your 250-word review by 3pm to YouTheEditor@thetimes.co.uk



You don't need to dress as a giant meringue, à la My Big Fat Gypsy Wedding

