

## The Gazette

### The Quebec marriage debate

If couples want the legal protections of marriage, then they should get married

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"He made all the decisions," says the Quebec woman currently battling for benefits in Quebec Superior Court. She lived with her millionaire boyfriend for 10 years and they had three kids. Then he left. Quebec does not treat common law as marriage and therefore she cannot get as much money as she'd like in alimony - on top of the \$35,000 she is currently getting in child support, monthly.

Yet there actually is one critical decision she did make - to stay with a man who would not marry her. Harsh though this might sound, she had a choice - relationships split up over this sort of irreconcilable difference and she could have left. Giving cohabitation the same privileges as marriage in effect forces couples to walk down the aisle - whether they actually decide in favour of marriage or not.

"Forced marriage" is the reality in many Canadian provinces, where the state steps in after a certain number of months and begins treating people living together as if they are married through the tax code. In Manitoba, common-law couples who split get the same benefits as those who marry if they've lived together for three years. It's similar in Ontario. Newfoundland on the other hand, is a bit stricter - common-law partners can't divide property after a break up and the couple is only considered official partners where there's a child involved. Each province is slightly different.

One of the purposes of this legal accommodation of common law was to offer equality to same- sex couples. Now that same sex marriage is legal, making living together the same as marriage has outlived its purpose. And doing so distorts our understanding of marriage.

That's the ultimate point: Marriage is not the same as living together, on any number of scales, and with great consensus from social scientists no matter their political stripe. The statistical realities are this: People living together break up more readily - even if they do eventually wed. They are more likely to have multiple partners. Any children face more problems - higher rates of school dropout, more drug use and an earlier age of sexual initiation. And single parents - mostly mothers - are more likely to be poor. Kay Hymowitz, the New York-based author of *Marriage and Caste in America* speaks of a "marriage divide"--a new class division between those who marry and those who don't. The latter end up trapped in a cycle of poverty.

There's nothing particularly empowering about the state quietly forcing our hands as we coast into pseudo-marital status. Those who believe marriage is important (as the woman in the court case did) should not stay silently in relationships that are not.

That we've lost sight of what marriage is doesn't mean governments should step in and make it even easier to live together. If anything, they should be increasing the distinctions between marriage and common law, letting individuals make an informed choice.

As it turns out, the woman in this case is unique - most women left high and dry by their live-in boyfriends are lower income, and lacking resources, not making decisions about which elite private school the kids should attend. They should not be without our sympathy. But the answer is not to reward the wrong decision by improving benefits for common-law couples. The answer is to make the case for strong marriages.

Living together is by definition a "let's see how this goes" agreement. The "big question" goes unasked, a ring is not given, a white dress is not purchased. You get the point. But marriage is not living together for more than the lack of symbolic (and fun) things a wedding brings. Marriage confers stability - socially and economically.

It is an egregious infringement on freedom to tell couples just living together that simply because they've done the time, their decision is made. It is also the wrong direction to go, when what our economy and communities need most are strong families. The state should not encourage cohabiting couples to think they are married, or make it really easy by offering even greater benefits.

Get married or don't. And if we choose not to, we shouldn't expect the same benefits as if we had chosen marriage.