

**MARRIAGE VS COHABITATION
– AN ALTERNATIVE OR OPPOSITE?
AN ATTEMPT TO DEFINE COHABITATION
IN OPPOSITION TO MARRIAGE**

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ABSTRACT

Thesis. Informal relationships are very popular in modern times. The number of people choosing marriage is slowly decreasing. The author of the article discerns the similarities and differences between cohabitation and marriage. The author puts forward the thesis that it is impossible to assess whether marriage is superior to cohabitation and vice versa.

Concept. The author presents the definitions and legal regulations of marriage and cohabitation. Additionally she lists the types of cohabitation and types of marriage.

Results and conclusion. In times of “liquid postmodernity” one should accept the coexistence of marriage and cohabitation, without assessing which of these forms is better, more beneficial, richer.

Originality/Cognitive value. In the subject literature cohabitation is presented as a short-term relationship, deprived of mutual obligations of partners, based only on sexual attachment and living together. It stands in opposition to marriage, which is a permanent relationship based on mutual obligations of spouses and a strong emotional bond.

Key words: cohabitation, concubinage, consensual relationship, family, marriage, love, sex

The popularity of cohabitation unions can be regarded, on the one hand, as a certain phenomenon, on the other, as a consequence of living in an individualized, highly pluralistic post-modern world. The choice of lifestyle is not imposed by anyone today. There is freedom of choice, which consequence is solely the personal responsibility for someone’s actions and choices. People today have many alternative ways to satisfy their needs and desires, also in the emotional and intimate area.

Some choose marriage, others have a free relationship (or free relationships because there is often more than one throughout their lives). The reasons for choosing cohabitation concern various aspects that can be divided into legal,

economic and ideological ones. Partners quite often decide to cohabit when they cannot get married for legal reasons (Prusińska, 2007). This is the case when cohabitants are still married (during the divorce hearing) or do not decide to divorce the spouse for fear of dividing property or losing custody of children. In the latter case, cohabitation coincides with marriage.

Economic reasons that affect the choice of cohabitation instead of marriage include both the lack of financial resources needed to start a family, fear of losing financial independence, loss of social benefits or reluctance to share the property purchased. In the case of cohabitants who cannot afford financially to get married and follow up duties, being in a free relationship is only a matter of time. The partners declare that in the event of a change in the financial situation, the status of their relationship will also change (they will get married). This motive is characteristic of pre-marital cohabitation (Prusińska, 2007). These declarations correspond with the results of the report entitled "Poland's demographic situation" from 2011-2012, which indicate that limiting the number of marriages in younger age groups is mainly caused by delaying the decision to conclude a marriage, among others because of the growing tendency of young people to stay in informal relationships, and partly due to the fact that they give up being married in general (Strzelecki, Błędowski, Gałązka, 2012).

Partners who are afraid of formalizing a relationship due to loss/reduction of income usually cohabit with each other until the end of the relationship. According to researchers, women have a greater orientation towards marriage, especially when they are worse off than their partners. However, in the dyad, in which both cohabitants have a similar financial status, the relationship is legalized less frequently.

The reason for cohabiting due to ideological issues is completely different. Marriage appears here as an outdated and unnecessary form for staying in a permanent and intimate relationship. The views of cohabitants indicate that along with the legalization of the relationship, its quality drops, followed by the loss of spontaneity and romanticism.

Another argument that justifies life in a free relationship is the emancipation of women, the increase of their individualization and autonomy (Janicka, 2006), which are limited by marriage. The choice of cohabitation is strongly influenced by socio-cultural factors, and above all by the media propagating an independent lifestyle, the emphasis on external attractiveness and approval of changes of partners (Janicka, 2006). Short-term relationships are connected with the popularisation of the culture of individualism, and the instability of the choices correlates with reluctance / fear in the area of the legalisation of an intimate relationship. It can be said that the growing number of divorces coinciding with the number of subsequent marriages causes the institution of marriage to lose its attractiveness. In this context, cohabitation is therefore safer - it does not involve the need to formalise a relationship or its formal ending, especially that consensual relationships give similar privileges to marriage.

Alvin Toffler (1970, p. 248) predicted the temporality of contemporary intimate relationships: "Temporary marriages - concluded one after the other - fit the age of change, in which human relations and all human relationships with the environment will be temporary and short-lived. It is a natural and unavoidable result of the social order in which cars are rented, dolls are returned to the store, and dresses are thrown away after putting on. That's how it will be in the future with marriage." However, he was wrong on one point: nowadays people are connected many times during their life - without concluding any subsequent marriages, but entering into further cohabitation unions.

COHABITATION AND MARRIAGE - A COMPARATIVE STUDY

"(...) Love requires the development of humility, objectivity and reason. To achieve this, you need to devote your whole life" (Fromm, 2000, p. 120). One's life and the life of one's partner imply a certain indissolubility of an intimate relationship which, at least formally, is guaranteed by the institution of marriage. Love involved, mature and conscious, is based on the components of intimacy, passion and decision, and "engagement is understood here as decisions, thoughts, feelings and actions aimed at transforming the love relationship into a lasting relationship and maintaining this relationship despite the presence of various obstacles" (Wojciszke, 2006, p. 15).

Meanwhile, cohabitation is not a permanent process from the beginning, and what is more - no time frame is defined, so you cannot think about it in the context of your whole life, as you usually think about marriage, calling it the basic cell of society (Cudak, 1999) that gives the basis for creating family and is the most important relationship in its structure (Braun-Gałkowska, 2003).

Franciszek Adamski (2002, p. 14) regards marriage as a union "in which spouses are granted the right to be legally competent to sexual acts and children are entitled to inherit material goods and cultural values." Zbigniew Tyszka (1974, p. 77) speaks of a "legal, relatively permanent relationship between a woman and a man created in order to co-exist and cooperate for the good of the family," which places this definition somewhat closer to the realities of life due to the broad comprehending of the notion of family (which can be both a dyad and a couple with children, the author does not specify this concept), as well as the duration of the relationship ("relatively stable"). Krystyna Slany mentions legality, ceremony, social sanctions, social control, affective relations and the recognition of sexual intercourse as immanent traits of marriage (2002), which predestine the broad perspective of the concept of marriage also within the scope of privacy of two people in a legitimate relationship.

Anna Kwak (Murphy, 2005, pp. 32-33), writes about marriage in terms of a relationship based on clearly defined principles, having a legal status and a clearly defined date of its conclusion, however, stating that "in retrospect, marriage changes its meaning." The author considers this change in terms of meeting sexual needs, having children and living together, which nowadays do not have

to be realised only through marriage. According to the Institute of Church Statistics, about 3% of the population cohabit, 18% are incomplete families and 60% of Poles are married couples with children (Wroński, 2004).

Differences in the definitions of marriage and cohabitation are presented in Table 1.

Table 1. Differences in definitions of marriage and cohabitation

Cohabitation	Marriage
"Intercourse, cooperation or cohabitation" (Dictionary of the Polish Language, PWN, 2007)	"The basic cell of society that gives rise to family formation" (Cudak, 1999)
"An unregulated relationship between a woman and a man, a relationship created by two people of the opposite sex, who have been living together for a long time, run a household and maintain sexual relationships" (Trost, 1979)	"A relationship by which spouses are granted the right to sexual intercourse, and children the right to inherit material goods and cultural values" (Adamski, 2002)
Concubinage; informal relationship; marital; consensual; "Marriage without paper" (Janicka, 2006; Slany, 2002; Witczak, 1983)	"A legal, relatively permanent relationship between a woman and a man was created for the purpose of cohabitation and cooperation for the good of the family" (Tyszka, 1974)

Source: author

In the definitional statement it can be seen that determining the features of a cohabitation relationship is combined with the use of words assigned to a marriage, with one fundamental difference - by adding a negative prefix to them. Cohabitation is therefore an "informal, not marital" relationship, in contrast to a marriage formulated as a "legal, formal" relationship, under which spouses are given specific rights (coexistence, inheritance). One can get the impression that in this statement cohabitation is not even treated as an introduction to marriage and in no case is treated as equivalent to a marital relationship.

There are no legal regulations regarding cohabitation in Polish legislation: "concubinage is a legal unregulated permanent life relationship of man and woman" (Judgment of the Supreme Court of December 5, 1997, file reference No. II CKN 485/97, LEX No. 583765). The institution of marriage is mentioned in the most important state document - the constitution: "Marriage as a relationship between a woman and a man, a family, motherhood and parenthood are under protection and protection of the Republic of Poland" (Article 18 of the Constitution of the Republic of Poland).

Being a wife and husband starts at the time of the conclusion of the marriage, regardless of the fact how long the spouses have known each other before the wedding. In the case of cohabitation the subject literature finds it difficult to agree on this topic. Familiologists and gemologists give different, sometimes strongly divergent time frames: from spending a few nights together (Macklin, 1978) to staying together for a longer (undefined) period of time (Kwak, 2005). According to Małgorzata Sikorska (2012), it is unknown how long the relationship should last so that it can be called a concubinage.

In the subject literature (Kwak, 2005; Szlendak, 2010; Slany, 1990), there are different types of cohabitation. Pre-marital cohabitation is a prelude to marriage, sometimes used by partners to get to know each other in everyday life, which is created by sharing a flat. Cohabitation as an alternative to marriage is a substitute for marriage itself; partners live like spouses and thus, (self) determine themselves using the words "husband/wife." Cohabitation, which is an alternative to living in a free union, assumes much greater autonomy of partners, which is also reflected in the naming of their relationship (those cohabiting do not use the term "marriage" to describe their relationship). Visiting cohabitation is limited to temporary sharing a flat with each other.

In the case of models of marriages, the first of them - a traditional model, also called patriarchal, is characterized by a rigid division of duties determined by sex and the second - a partnership model - is a model "underpinned by individualization and equality" (Sikorska, 2012). In the marriage of two-spouses, the spouses not only perform professional work, but also hold high management positions. This model can be implemented in three variants: when the priority in terms of the importance of professional work is on the side of the husband; when the priority is on the part of the wife and when both partners have an equal division of duties related to work and home (Rostowski, Rostowska, 2005).

Subsequent models of contemporary marriages are childless unions (DINKS) and relationships of the type LAT (separate living) and LTA (spouses live in one house divided into sovereign zones) (Szlendak, 2010).

DIFFERENCES AND SIMILARITIES

Cohabitation, in contrast to marriage, is accompanied by persistent deficits and lack of specificity. Therefore, there is no legal status of cohabitation or the right to inherit in the event of the death of one of the partners; it cannot be clearly stated when the relationship was concluded; and the cohabitants do not share a common goal and concern for the partner and joint responsibility for his or her fate. The cohabiting couple does not concentrate on the mutual multiplication of assets, moreover - often it is not there at all.

One can notice the similarities between cohabitation and marriage in the models used by cohabitants/spouses. Spouses who are in a relationship of the LAT type do not live with each other on a permanent basis, but only in convenient time frames. The life of a couple in a visiting cohabitation looks similar. Another feature that unites both forms of relationships is being parents and bringing up children, creating a housing community, the existence of sexual and emotional ties between partners.

Subject literature, in the context of cohabitation, does not mention the latter - an emotional bond, as if the sexual bond was the only reason why people decide to "shack up with each other." This aspect is overlooked, perhaps, because "erotic desires are usually the dominant element of passion in one form

or another, although it is not possible to identify sexual needs with passion or assume that it is the only drive involved in it. Next to it may be the need of self-realisation or finding the meaning of life, self-esteem, domination or caring, etc." (Wojciszke, 2006, p. 93).

The notion of a non-marital relationship in the context of satisfying sex drive may also be associated with Bauman's "collecting of impressions," i.e. the need to constantly experience new sensations (Bauman, 2006, p. 71). In post-modern reality, in which the principles of pluralism and self-determination dominate strongly, consumption and hedonistic attitudes are maximised. The mechanisms of functioning of many intimate relationships are also based on the above ideas. People who become couples expect maximum satisfaction from the partner, limiting themselves to what is "here and now" and what is pleasant. Cohabitation relations are characterised by some calculation manifested in the lack of forward-thinking and calculations regarding the profitability of the relationship. The conditionality of the duration of this type of relationship results from "the achievement of certain benefits by partners" (Lewicka, 2005, p. 41). But is marriage not based on similar premises? There are so-called misalliance relationships, concluded by a person with a lower social and / or financial status with a person with a higher status, currently called marriages intersectional or mixed (due to nationality, ethnicity or class affiliation) (Blicharska, 2012). The context also fits the model of traditional marriage, which takes its roots in the Christian tradition and the Greek-Roman tradition, characterized by "conventionality, subordination, dualism of roles and impersonal character of marital-family relationships stressing affinity and interest rather than feelings" (Adamski, 2002, p. 173). As one can see, not only cohabitants think about the benefits of staying in a relationship.

It is also difficult to claim consensual relationships that they do not fulfill at least some of these obligations that characterise marriage, i.e., for example, mutual obligation to help in need or co-responsibility for the fate of the partner (Cudak, 1999). On the other hand, one may ponder on the issue of joint multiplying material goods, which does not have to be exclusively limited to marriages, although it should be admitted that "cohabitants account for themselves and their partner from contributions and profits" (Stolarska, 2012, p. 324). However, such an attitude should not be a source of astonishment, because the right to inherit property in the event of the death of one of the partners passes to the other only in a situation where both are legally married.

It is also difficult to conclude that there is no procreative function in consensual relationships. Although marriage institutionally fulfills its duty to society, "ensuring the birth and education of the next generations and the transfer of their material and cultural heritage" (Cudak, 1999, p. 88), consensual relationships do not have to be childless. What is more, there are "Double Income No Kids" (DINKS) marriages that deliberately decide not to have children. Instead of investing in parenting, spouses simply invest in themselves, in their own development and in meeting their needs at the highest level. According to K. Slany, "the range of voluntary childlessness and the

manifestation of anti-procreation attitudes by women, above all those pursuing professional work, is increasing" (1990, p. 102). The above remark can be applied to both married and cohabiting women, although "it is assumed that people who do not want to have children will more often choose to live in an informal relationship" (Kwak, 2005, p. 173).

The thesis that cohabitants resemble singles rather than spouses (Kwak, 2005), however, is a risky statement, because singles may have a partner, but do not get involved on an emotional level like cohabitants or spouses, nor live with him or her or treat this relationship as stable (Kuklińska, 2012).

Barbara Stolarska (2012, p. 326) places cohabitation as an intermediate form between loneliness and a legalised relationship, ascribing it as a social phenomenon negative effects in the form of postponing or resigning from fulfilling marital-parental functions, which in turn contributes to the decline of fertility and the growth of the problem of an aging society. However, as noted, the drop in fertility does not only apply to consensual relationships - 42 percent of those in an informal relationship have children (Kowalczyk, 2012).

SUMMARY

It is difficult to assess unequivocally the superiority of marriage over cohabitation in an unambiguous and unmistakable way. I think that such an evaluation is not justified or even possible due to many factors. One of them is the above mentioned lack of specification; what is the consensual relationship, what are its time frames, how how the issues of of parenthood, division of household duties look like? Marriage, in turn, very well defined in literature of all kinds, is experiencing a visible crisis - the number of marriages is decreasing, the number of divorces is increasing (Mackiewicz, 2014).

Perhaps, therefore, for times of uncertainty in the "fluid," ever-changing and pluralistic post-modernity, in which and love relationships become scattered and lost, "human loneliness and sexual desire make it easy to fall in love and there is nothing mysterious about it, a prey is easily squandered, just as it is gained easily" (Fromm, 1994, p. 87), one should accept the coexistence of marriage and cohabitation together without assessing which of these forms is better, more beneficial or richer. Because "it is worth having the conviction that there is no single appropriate strategy of building a marriage or family" (Ładyżyński, 2016), and thus "a good family can be rooted in the patriarchal model of life and there can be a beautiful family based on partnership" (Ładyżyński, 2016).

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