



# Probability Of Live-In Relationship - Protection And Legal Recognition

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## **ABSTRACT**

One of the universal social structures is marriage. It was created by human society to govern and control human existence. It is a fundamental component of a community. Children learn about relationships and how to become citizens in their families. Children learn how to behave and be in the family, as well as what is expected of them in society.

In society, marriage must continue to be the norm for family life. When over half of our children will be born into unmarried families within ten years, we cannot revitalize our nation. The goal of marriage is to bring a man and a woman together as husband and wife in a covenantal connection with their Creator on a spiritual, emotional, and physical level. Spiritually in the sense that fulfilling religious obligations will benefit one's soul.

According to a legal dictionary, marriage is the state of being linked to a person of the opposite sex as husband or wife in a contractual, legal, and consenting relationship that is only recognized and approved by the law. Legally speaking, marriage is a legally binding agreement between two people that unites their lives, assets, and sources of income. Marriage serves as a vehicle for carrying out religious obligations. It is considered a sacred connection. It is also regarded as the merger of blood and flesh. It is not a civil contract, but rather a religious sacrament. The family needs the state's complete protection because it is the essential and natural unit of society.

Since marriage is the cornerstone of the family and the fundamental unit of society, it is particularly advantageous to society. It gives human interactions a great deal of stability and significance. It is still the best way to raise kids. It is crucial to passing on civilization and culture to the next generation. Marriage is a social institution of significant public importance and concern, not just a private agreement.

A family and social relationships are built on marriage. A couple has a lot of obligations to society and the family. To put it another way, the freedom to marry is not unqualified; it must be balanced with other obligations.<sup>1</sup>

**KEYWORDS:** Live-in Relationship, marriage, legitimacy.

## INTRODUCTION

In India, living together is a relatively recent idea. Despite the existence of the "unmarried couple" status, it was not common and was not referred to as a "live-in relationship."<sup>2</sup> These relationships have entered the mainstream of society due to shifting times and people's attitudes. The Apex Court of India has been forced to examine the issue seriously due to the steadily rising number of such relationships. The topic's recent advances have made it possible to talk about the relevance of these interactions and how they affect Indian society.<sup>3</sup>

Because the average class is more scrutinized in society, we find that live-in relationships are less common among them. Conversely, both high-income and low-income groups are able to embrace new types of relationships with ease. Without much hesitation, a girl from a low-income family in need of housing can see no harm in cohabiting with a man who has a marginally better financial situation without getting married. For the sake of their children's happiness, even parents have gradually begun to approve of living arrangements these days. Most of the time, people decide to live together in order for their relationship to eventually develop into a marriage. Despite the sincere intentions of the couples making the "out way decision," the majority of living arrangements do not result in enduring bonds.<sup>4</sup>

There are some clear benefits to living together as opposed to being married. It is a relationship that lacks commitment, as has already been mentioned. As a result, it is possible to associate with several partners at once. India is transforming at a rate that was previously unthinkable from a societal standpoint. Our social norms are rapidly being influenced by issues like "live-in relationships," which were adopted by Western society.

Getting married is just another obligation. One explanation for people's reluctance to get married could be their anxiety and fear of the responsibilities that come with marriage. Every partnership has pros and cons of its own. Even the financial responsibilities of marriage are not present in this type of relationship.

The ability to end a live-in relationship quickly is by far its greatest benefit. On the other side, ending a marriage requires going through drawn-out, difficult, and costly divorce proceedings.

However, there are certain drawbacks to living together as well. First of all, its greatest benefit—a lack of dedication on the part of either person—is also its greatest disadvantage. You can't rely on your partner as much as you can when you're married. In certain situations, the shoulder is present, but in difficult circumstances, it might not be. The depth of a marital relationship is absent. The same holds true when it comes to money. When a person is married, they instinctively know that their partner is there for them when things get tough. It's possible that they are dividing their money. But this element is also absent in a cohabiting relationship. A three-judge bench court ruled in *Vimala (K) v. Veeraswamy (K)*<sup>5</sup> that the goal of Section 125 of the Code of 1973 is to avoid destitution and vagrancy.

<sup>1</sup> DalbirBharati, *Women and Law*, (2008), New Delhi, S.B. Nagia-APH Publishing Corporation

<sup>2</sup> "Live together and have a sexual relationship without being married", Catherine, Soanes, *Oxford English Dictionary*, Oxford University Press, 7<sup>th</sup> Ed. 2007

<sup>3</sup> Live-in Relationship in India : Legal Status, *Indian Laws & Jurisprudence: A Layman's Guide*, available at, <http://www.gangothri.org/?q=node/33>, (Last accessed on January 29, 2026)

<sup>4</sup> Paras Diwan, *Modern Hindu Law* (20<sup>th</sup> Ed.), Allahabad Law Agency, 2009

<sup>5</sup> (1991) 2 SCC 375

Most people believe that living together dilutes morality and, more crucially, tradition. On the other hand, despite the startling increase in divorces and relationship issues, most people still hold marriage in high regard. As a result, the main distinction between live-in and married relationships is that the former have been accepted by society, while the latter have not.

The concept of a live-in relationship is extra-legal and has already gained traction in society. It was introduced into the law by a number of decisions made by higher courts. Judges M. Katju and R.B. Mishra said in *Payal Sharma v. Superintendent, Nari Niketan and others* <sup>6</sup>, "In our opinion, a man and a woman, even without getting married, can live together if they wish to. This may be regarded as immoral by society, but is not illegal. There is a difference between law and morality."

In the *Alok Kumar v. State* case<sup>7</sup>, the Delhi High Court noted that a live-in relationship is a walk-in, walk-out arrangement. "There are no legal restrictions attached to this relationship nor does this relationship create any legal-bond between the partners," stated Justice S.N. Dhingra. "People who choose to have live-in relationships cannot complain of infidelity or immorality because live-in relationships are also known to have been between a married man and unmarried woman or vice versa," the court continued.

The Supreme Court rendered its historic ruling in the matter of *S. Khushboo v. Kanniammal*<sup>8</sup>, holding that neither premarital sex nor live-in relationships are illegal. The Supreme Court went on to say that only unmarried major individuals of different sexes are allowed to live together.

The Protection of Women from Domestic Violence Act of 2005, which covers "relationship similar to marriage" or live-in relationships, does not provide much support for the rights of women in such situations. According to section 2(f), a domestic relationship is any relationship between two people who live together or have lived together in a shared household at any point in time, whether they are related by consanguinity, marriage, adoption, or are family members living together as a joint family. Thus, the phrase "nature of marriage."

The Supreme Court noted in *Radhika v. State of M.P.*<sup>9</sup> that if a man and woman live together for an extended length of time, they will be regarded as a married couple and their child will be considered legitimate. The Supreme Court noted in *Abhijit Bhikaseth Auti v. State of Maharashtra and Others*<sup>10</sup> that a woman does not have to prove her marriage in order to be eligible for maintenance under section. 125 of the Cr.P.C. Under Section 125 Cr.PC, a woman who lives with another person may also be entitled to maintenance.

Walk-in and walk-out relationships are known as live-in relationships. This relationship is unconditional and does not establish a legal bond between the parties. Every day, the parties renew their agreement to live together.

## **ADVANTAGES OF MARRIAGE AND LIVE-IN RELATIONSHIP**

### **Benefits of Live-in Relationship**

Someone has correctly stated that the world was a kingdom of proper relationships when it was created by God. God and humans had a proper relationship. The interpersonal relationships were appropriate. People and the rest of creation had a proper relationship.

1. Freedom: The main advantage of living together is this. In this, any of partners neither has to accept any obligations nor has to give up any rights. Relationships endure longer if both parties are

<sup>6</sup> 2001 (3) AWC 1778 : AIR 2001 All 254

<sup>7</sup> Cr. M.C. No. 299/2009, decided on August 9, 2010 by High Court of Delhi

<sup>8</sup> 2010 CRI. L. J. 2020, AIR 2010 SC 3196, (2010) 2 SCC(Cri) 1299

<sup>9</sup> AIR 1966 MP 13

<sup>10</sup> In CRIMINAL WRIT PETITION NO. 2218 OF 2007 decided on 16.09.2008 by Bombay High Court

content with one another; there is no commitment like marriage. Compared to marriage, a live-in relationship gives spouses more personal independence.

2. Responsibilities: Compared to marriage, there are significantly fewer responsibilities. While cohabitators simply have their own responsibilities, married people must handle all family obligations.

3. Easy to dissolve: Because marriage is a very rigid and unassailable institution, it requires a great deal of work and money. In addition to paying attorneys and making arrangements for the children, partners must evenly divide debt and family assets. However, cohabitators are easily able to end their relationship. It is the ideal practice run for married life. Partners are aware of each other's shared interests and opinions regarding money and sex. politics and religion.

4. Easy to switch partners: Partners can pack their bags and leave without following any legal procedures if they are dissatisfied or become tired of seeing the same face every morning.

5. No legal issues: Unlike weddings, there are no financial issues, difficult negotiations, or legal issues. The arrangements, which include living together, having sexual intercourse, and moving out when bored, are like a dream come true.

### **Marriage's advantages over cohabitation**

For a variety of causes, this style of cohabitation has affected every young person in the community. Without a doubt, this kind of relationship affords both spouses the best chance to exercise their rights to life, liberty, and privacy. However, it is also necessary to acknowledge the drawbacks. The detrimental impacts on society will follow.

1. Legal and social sanction: The primary advantage of marriage is this. The law protects marriage, and society values the union. Partners in a live-in relationship are not eligible for this benefit and do not have clearly defined rights and obligations. Unlike live-in, it is not brittle and never dissolves.

2. Emotional support and commitment: Married individuals are devoted and faithful to their spouses, and they are able to share all of their secrets as well as their savings to purchase family items. The legal privileges, social acceptance, and emotional support that come with marriage are unmatched by cohabitation.

3. Unconditional sacrament: Live-in relationships are conditional in contrast to marriage, when a husband and wife are complementary to one another and are willing to die for one another, indicating the highest level of love.

4. Children's growth: Compared to married parents, children of cohabiting parents have less emotional development. This is actually a result of the high likelihood of parental divorce. When it comes to their responsibilities and child custody, things get complicated if they split up.

5. Sexual and physical abuse: Based on certain estimations. Cohabiting women are more likely to experience physical and sexual abuse than married women since cohabitation is at least twice as common as marriage.

6. Parent-child connections: Living together may have an impact on parent-child relationships. Every parent supports marriage more than cohabitation. Because some families view cohabitation as immoral, many cohabitators lose the support of their parents and relatives.

7. Economic equality: While cohabitators always attempt to safeguard their financial destinies with separate bank accounts, personnel properties, etc., married couples are better in this regard.

In 2008, the National Commission for Women proposed to the Ministry of Women and Child Development that women living together be included in the definition of "wife" as stated in section 125

of the Cr.P.C. The recommendation's goals were to harmonize the legal protections protecting women from domestic abuse and to equalize the relationship between a live-in couple and a legally married pair. The Justice Malimath Committee, a committee established by the Supreme Court for this purpose, noted that "if a man and a woman are living together as husband and wife for a reasonable long period, the man shall be deemed to have married the woman."

### **LIVE-IN RELATIONSHIP: LEGAL PROTECTION**

The rights and obligations of partners are not clearly defined when discussing the aftermath of a cohabitation. What rights and obligations will these partners have following a divorce or the demise of one of the partners? The clause that safeguards the rights of such cohabiting couples is not mentioned in any succession and maintenance statute. The Hindu Marriage Act of 1955 recognizes children born in such a partnership. Nonetheless, it is argued that couples who frequently defy accepted social norms cannot be assumed to be followers of a single religion or to be Hindu.

In reality, a couple frequently chooses to live together in order to get around their family's disapproval of interfaith and interracial marriage. These kinds of relationships are brittle and might end at any time. The legal position of cohabitation does not present a clear picture, and there is no duty or bondage. In addition to encouraging bigamy and infidelity, live-in relationships endanger the morality and values that form the foundation of Indian culture.

A second wife is not permitted for Hindus under the Hindu Marriage Act of 1955. Therefore, it is against both the Act and Hindu norms to grant the mistress the status of a lawfully married wife in all respects, including inheritance, maintenance, and property shares. The Hindu Marriage Act of 1955 states that Hindus are not permitted to have a second wife. Therefore, it is against both the Act and Hindu norms to grant the mistress the status of a lawfully married wife in all respects, including inheritance, maintenance, and property shares. The Maharashtra government banned dance bars because they spoil the social atmosphere, but it also encouraged illicit relationships by approving a proposal that suggested a woman living with a man for a "reasonable period" should be granted the status of a wife.

The Hindu Marriage Act of 1955 and the Special Marriage Act of 1954 are the two main marriage laws that govern marriage in India. For Muslims, marriage is governed by their personal law of Shariat. The purpose of these laws is to prove the validity of a marriage in order to establish an existing relationship or divorce, while the pre-existing relationship qualifies one for maintenance. In a live-in relationship, a man and woman—typically single—agree to live together and cohabit without getting married. This is common in large cities where men and women find it comfortable to live together and enjoy life without taking the chance of getting married while working in the same location. The issue arises, though, when a child from such a connection is born. In addition to the validity of these children, concerns about their custody and inheritance have already begun to appear in numerous instances. The State and the Judiciary are attempting to address these issues with the current legislation.

Even the live-in female companion was shielded from dowry-related harassment by the Apex Court. The defendant in *Koppiseti Subbharao Subramaniam v. State of A.P.*<sup>11</sup> used to intimidate his cohabiting partner in exchange for dowry. While rejecting the defendant's argument that section 498A does not apply to him because he was not married to his cohabiting partner, Justices Arjit Pasyat and A.K. Ganguly of the Supreme Court ruled that "the nomenclature 'dowry' does not have any magical charm written over it." It is merely a term used to describe a financial obligation related to a marriage."

<sup>11</sup> In SLP (Crl.) No. 4496 of 2006 decided on 29.04.2009 by Supreme Court of India.

The appellant in *D. Velusamy v. D. Patchaiammal*<sup>12</sup> claimed that he was wed to a Lakshmi in accordance with Hindu customs. D Patchaiammal, the respondent, submitted a petition in accordance with Section 125 Cr.P.C.

The courts in the case noted that: Regretfully, the Act does not define the term "nature of marriage" (PWDVA, 2005). Since this Court has not made a direct ruling on the interpretation of this expression, we believe it is vital to do so since there will be numerous cases involving this issue before our nation's courts, necessitating an authoritative ruling. The ruling also notes that:

“It seems to us that in the aforesaid Act of 2005 Parliament has taken notice of a new social phenomenon which has emerged in our country known as live-in relationship. This new relationship is still rare in our country, and is sometimes found in big urban cities in India, but it is very common in North America and Europe.”

According to the judges, a marriage-like relationship is comparable to a common law marriage. The ruling states that, despite not being legally married, common law marriages must meet the following requirements:

- (a) the couple must present themselves to society as being similar to spouses;
- (b) they must be of legal age to marry;
- (c) they must be otherwise qualified to enter into a legal marriage, including being single; and
- (d) they must have voluntarily cohabitated and presented themselves to the world as being similar to spouses for a considerable amount of time.

The first case that can be examined after independence is *Badri Prasad v. Dy. Director of Consolidation*<sup>13</sup>, in which the Supreme Court acknowledged cohabitation as a legitimate marriage, ending authorities' concerns over a couple's 50-year cohabitation.

"In our opinion, a man and a woman, even without getting married, can live together if they wish to," said Justices Katju and R.B. Mishra of the Allahabad High Court in the 2001 case of *Payal Sharma v. Superintendent, Nari Niketan, and others*<sup>14</sup>. Although society may view this as immoral, it is not against the law. Morality and the law are not the same thing. The Supreme Court noted in the *Patel and Others Case* that a live-in relationship between two adults who are not legally married cannot be considered a crime. Additionally, it said that there isn't a law that makes cohabitation unlawful. In the *Tulsa v. Durghatiya case*<sup>15</sup>, the same idea was maintained, recognizing a long-term cohabitation as being on par with marriage.

The Supreme Court's ruling in the *Khushboo Case* provided more approval for cohabitation. Chief Justice K.G. Balakrishnan, Justice Deepak Verma, and Justice B.S. Chauhan made the following observation on a three-judge bench: "What is the offense when two adults wish to live together? Does that constitute a crime? It is not illegal to live together. It can't be a crime." The Court further added "Please tell us what the offense is and under which section, Living together is a right to life," alluding to the Article 21 right to life. Despite being an obiter dicta, this encouraged cohabitation.

This Court ruled in *Jagraj Singh v. Birpal Kaur*<sup>16</sup> that conjugal rights are intrinsic to the institution of marriage and are not only products of legislation. Therefore, a court of law should take a "much more constructive, affirmative and productive rather than abstract, theoretical or doctrinaire" approach to divorce cases. The court shouldn't abandon efforts at reconciliation just because one party claims that

<sup>12</sup> In CRIMINAL APPEAL NOS. 2028-2029 Of 2010 decided on 21.10.2010 by Supreme Court of India

<sup>13</sup> AIR 1978 SC 1557

<sup>14</sup> (2006) 8 SCC 726

<sup>15</sup> Civil Appeal No. 648/2002 MANU/SC/0424/2008 (S.C. Jan. 15 2008)

<sup>16</sup> AIR 2007 SC 2083

living together is impossible or that there is no potential for reconciliation. Consequently, the lack of concern and obligation on the part of the courts to preserve the integrity of the institution of marriage is only a misgiving.

The legislation pertaining to cohabitation must give a clear image while taking into account both the current social situation and the fundamental framework of customs and culture that define Indian society. In certain cases, the court held that a live-in relationship does not impose any obligations on the couple because the entire purpose of a live-in relationship is to avoid such bondage, indicating a preference for an obligation-less, free society. In other cases, however, the court granted married couples the status of married couples.

However, another issue that needs to be addressed is why a couple would choose to live together if the law imposes the same maintenance and succession obligations as the institution of marriage, given that the goal of living together is to avoid all entanglements and bonds. Another thing to keep in mind is that if the rights under marriage and live-in relationships are equated, it will conflict between the rights of the live-in partner and the rights of the wife if the person in the relationship is already married.

By switching between the rights and liabilities under marriage and cohabitation, this will make it much simpler to avoid liability and confuse problems. If court discourse is pursued, this will result in entanglement in judicial meandering. Live-in relationships are subject to societal rumours outside of the legal system. The tenor of live-in relationships is a defining trait of metropolitan areas, but when we look at the masses that characterize India, live-in relationships do not find consensus and are accused of interfering with Indian morality and values. As a result, there are still a lot of unsolved questions regarding cohabitation.

On the one hand, society speculates about it, while on the other, live-in relationships have a contingent legal position. The future of cohabitation will depend on the legal system's more transparent approach and mindset as well as societal shifts. The parliament should enact laws and monitor the practice of avoiding servitude. After a certain amount of time, live-in relationships should be given legal status. This would give the partners and the child born out of the relationship all the legal rights of inheritance, maintenance, and succession that are available to married couples and their legitimate children. It would also secure their rights in the event that the relationship ends due to a breakup or the death of one of the partners.

In this context, the guidelines are noteworthy and should be adhered to. The burden of proof should be loosened since it is challenging to prove a de facto live-in relationship, allowing partners—especially female live-in partners—to use their rights. However, a live-in relationship should be regarded as a second marriage if one of the partners is already married, making it a bigamy offense. This will protect the rights and benefits of cohabitation without endangering the institution of marriage. A good legal system is always inclined to adjust to the slow shifts in society. As a result, given the sharp rise in live-in couples, the law cannot operate in the dark.

Every country has its own set of laws governing marriage that protect the interests of both parties. On the other hand, certain nations, like France and the Philippines, have given live-in couples the respect they deserve. In a recent decision, however, the Supreme Court noted that a woman who has lived in a cohabitation for an extended length of time ought to have the same rights as a married woman.

Nonetheless, there is an urgent and pressing need in the Indian context to acknowledge such a connection by legislation that would grant rights to both parties and establish duties and obligations, thereby limiting the scope of such a partnership.

## CONCLUSION

In Indian society, cohabitation is no longer unusual. The number of couples in live-in relationships is increasing, but the institution of marriage remains unchanged. The institution of marriage used to be essential to Indian society, but that is no longer the case. The sturdy foundation upon which the institution of marriage has been established and fostered appears to be threatened by the rise of cohabitation.

Satellite families have emerged as a result of the disintegration of the joint family system. Double-income families have emerged as a result of the army of Indian women who are earning and skilfully supporting their spouses due to the expansion of women's education. Families are disintegrating as a result of globalization, and life partners are forced to live apart from one another in other nations. It's possible that the surge in live-in relationships is a result of this social shift. It's uncertain what constitutes a live-in relationship.

In India, there is no particular legislation pertaining to this topic; instead, the laws are found in court rulings issued by esteemed Supreme Court and High Court judges. Regarding women's rights, the Act does not provide a definitive ruling. The court is inclined to acknowledge their rights. Women have economic rights, according to laws like the Protection of Domestic Violence Act of 2005. The child or children born out of such a connection have the same rights as children born out of a lawful marriage.

Global legislation on cohabitation is unclear, and nations are reluctant to accept it. Western and European nations are reluctant to enact precise laws. India does not acknowledge these kinds of relationships. A law outlining the rights and responsibilities of a live-in partner should be passed. Living together is viewed as against public policy in India and would undermine the institution of marriage. The Law Commission Malimath Committee recommends that if a couple has been together for a respectable amount of time, they should be recognized as wives.

There is no clear definition of a live-in relationship, and its standing is unclear. Most nations have enacted laws granting cohabiting couples legal status. According to the provisions of their statutes, some nations are giving such couples more legal status. The situation is a little different in India. The remarkable rise in the number of these connections, the advancement of the law, and the respect for it all run counter to one another. Laws must be passed and put into effect more quickly. In the matter of *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 46, the Honourable Supreme Court of India established the following requirements for female live-in partners' economic rights under the Protection of Women From Domestic Violence Act, 2005.

After a certain amount of time, live-in relationships should be given legal status. This would give the partners and the child born out of the relationship all the legal rights of inheritance, maintenance, and succession that are available to married couples and their legitimate children. It would also secure their rights in the event that the relationship ends due to a breakup or the death of one of the partners.

The current situation calls for the enactment of a new law that would examine live-in relationships independently and grant rights and obligations to the couples. This would reduce instances of existing laws being abused and encourage cases of atrocities experienced by the female partners in such relationships.

Gender norms that defined the roles of husband and wife ruled traditional marriage, but commitment standards also shaped the behaviour of husbands and wives in ways that strengthened their long-term commitment to one another and encouraged collaboration in the partnership. Loyalty, trust, reciprocity, emotional sharing, openness, and sexual fidelity are among the norms that have evolved to characterize marriage as a particularly distinctive relationship over time. When combined, these norms create a model for cooperative spousal behaviour that is likely to discourage opportunistic defections.

Crucially, those who are socialized to understand proper spousal behaviour also internalize these norms and experience remorse when they transgress them. Marital standards continue to work in ways that support the stability of marriage, even though they likely do so less successfully now than they did in the past to promote cooperative behaviour in marriage. Therefore, even if extramarital affairs are more prevalent now than they were a century ago, the majority of cheating spouses still feel terrible and act covertly because they are aware that their actions would be condemned by society.

To put it briefly, commitment standards help couples reach their lofty objective of a long-lasting, intimate, and mutually fulfilling relationship, even in situations where they may be tempted to act in ways that jeopardize the marriage despite their initial promise. As a result, these standards are crucial in fostering stability and contentment in marriages.

Whether you like it or not, the phenomena of live-in relationships is deeply ingrained in Indian society and seems to be a daring challenge to the institution of marriage. Every nation's legal system must adapt to the times.

Sociologists have noted that because being together is "under-institutionalized," informal relationships are less permanent than marriage. It lacks a well-defined behavioural model that encourages stability and collaboration. Furthermore, because of this, the communities—friends, family, and coworkers—have little influence on the standards that uphold commitment. Couples that live together may experience the same thing. When a couple moves in together, they will be aware that it is not a legal marriage. Only religious marriages will be viewed as being based on commitment in a cohabiting relationship. Live-in relationships are likely to be less stable than even contemporary marriages if they are not governed by commitment norms and are not pursued with the same seriousness of purpose that defines marriage.

The social significance of cohabitation will be shaped by numerous variables other than the legislation, just as the social significance of marriage has been shaped by numerous historical circumstances. Traditions and customs have been incorporated into marriage over generations, recognizing and elevating it as a fundamental institution. Wedding rituals, rings, engagement and wedding announcements, and anniversaries, for instance, highlight the significance of marriage and encourage community acknowledgment of the couple's commitment.

It would be ideal to support the survival of these customs when couples move into civil unions, but norm entrepreneurs, not legislators, should be in charge of this. In actuality, legislators can take some actions to increase the possibility that cohabitation will combine the advantages of marriage, but they are unable to predict the societal significance that this new status will take on. Therefore, determining whether the reform we are considering would be a good social policy is a challenging task for those who value the stability and richness of marriage as a relationship governed by norms that encourage commitment, but who also favour the potential benefits of living together as a status that is less likely than marriage to be burdened by antiquated values.

The difficulty lies in evaluating unclear dangers while simultaneously figuring out how much risk is necessary to reap the rewards of reform. Some marriage critics will gladly embrace the reform, even at the risk of establishing a less stable family form, because they are so disturbed by the consequences of the historical customs linked with marriage on modern families. Some who are more positive about marriage's ability to develop into an institution that aligns with contemporary values may be hesitant to give up marriage in favour of a different, uncertain arrangement.