



Unmarried Cohabitation and Family Policy in Norway

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Introduction

Family sociology reacted slowly and reluctantly to the behavioural and structural changes in family life that took place in many industrialized countries from the late 1960s/early 1970s (Cheal, 1991; Doherty *et al.*, 1993; Eriksen and Wetlesen, 1996). The 1950s has been described in Norway as the era of 'the housewife family' *par excellence*, using a Parsonian understanding (Frønes and Hompland, 1994; Grønseth, 1972). This is well documented by solid long-term census data: marriages took place in church¹ and it was common to be formally engaged to be married, divorce rates were low and labour market participation for married women, especially with children, was low (Noack, 1994).

Still, there has been a long-term tradition of unmarried cohabitation or consensual unions in Norway, particularly in certain parts of the country, and mostly in the lower classes (Brunborg, 1979; Eliot and Hillman, 1960; Sundt; 1855/1989). The radical protesters against bourgeois marriage have been few in number, but their views were well aired (Hoel, 1927). Also, Norwegian family sociology pointed to the inadequacy of the Parsonian understanding of the family (Grønseth, 1958, 1973). In a historical perspective (Goody, 1983; Frønes and Hompland, 1994) the 1950s represent a peak in the state/church control of marriage, meaning a high degree of conformity in family life with the state/church as the sole agent empowered to acknowledge marriage. In fact, it was illegal in Norway for a man and a woman to live together without being formally married, i.e. without the recognition of the state/church. In 1954 the labour government withdrew a proposal to the parliament to abolish this particular legislation (the so-called 'concubinage paragraph'). It was finally abolished in 1972, somewhat overdue, to judge from the emerging marriage/cohabitation pattern.

Family policy of the 1950s and 1960s was tailored to the nuclear family ideal: child allowance (paid to the mother), tax rules favouring one-breadwinner families, child day-care centres were almost non-existent and school started at the age of seven. But the welfare state was under construction and gradually relieving the family of some of the responsibilities for those outside the labour market (the old, the disabled, unemployed, university students but not married women). Included was support arrangements for unwed mothers. With regard to prevention and sexual education, Norway was quite conservative in the Scandinavian context (Henriksen and Holter, 1978).

Cohabitation in Norway 1970–1997

Unmarried cohabitation is firmly established as a living arrangement in contemporary Scandinavia (Noack, 1997; Prinz, 1995). What may be termed ‘modernization’ of family structure and behaviour has been most pronounced in Sweden, and Norway is still lagging a little behind (Noack, 1997). As in Sweden, this living arrangement can be traced back to the early 20th century or even earlier (Trost, 1979). The Norwegian priest/sociologist/demographer Eilert Sundt (1817–1875) found non-wedlock births common in various parts of the country in the 1850s. According to Eliot and Hillman (1960) later in the century in west-central Norway (Romsdal) ‘... it is the general custom to begin conjugal relations before marriage in over 80 per cent of all cases’ (p. 246). It should be noted, however, that in the 19th century, Scandinavia (including Norway) did not stand out in this respect. In 1896–1900 out-of-wedlock birth rates (births per 100 live births) were 4.26 for Britain, 7.60 for Norway, 8.84 for France, 9.08 for Germany, 11.34 for Sweden and 14.27 for Austria (p. 274).

Out-of-wedlock birth rates are an often used indication of unmarried cohabitation (Noack, 1996). Still, it is only an indication, since many couples would marry sooner or later, which was often later in the 19th century, according to Eliot and Hillman (1960). For many couples the formal sanction to their union from society, the marriage, was not all that important: ‘... not much weight attaches as to whether the marriage happens before or after birth’ (p. 246). During the years after World War II there was much more pressure to marry in case of pregnancy: Four out of ten married women born in 1945 had their first child within seven months after marriage (Noack, 1996).

Like many other countries, Norway was slow to gather reliable data on cohabitation. Censuses and the central population register collected data on a traditional notion of the family (in fact on households and ‘family relations’ between their members), and serious attempts to conceptualize the new family forms also appeared late (see, for example, Trost, 1988, 1996, pp. 724–725). In 1977 Statistics Norway for the first time asked women about their marital status with cohabitation as one alternative (Statistics Norway, 1981). These data were later supplemented by comparable data for both women and men (Statistics Norway, 1995, 1999).

Unmarried cohabitation has increased steadily since 1977. Of all women aged 20–44, 5% cohabited in 1977, 18% in 1987 and 24% in 1996 (see Table 1). We may notice that cohabitation follows the rates for out-of-wedlock births, although cohabitation at a lower level: 1965—5%, 1977—9%, 1987—34%, 1996—48% (Noack, 1996; Statistics Norway, 1997). However, according to Jensen (1996) the ‘real’ rate of out-of-wedlock births (births by mothers neither married nor cohabiting) has been stable and about 5% from the 1950s until the present.

We see from Table 1 that cohabitation increased rapidly (for women) from 1977 to 1988 for all age groups, and has since continued to increase for both men and women, but at a slower speed. From 1994 to 1998 the increase has levelled off for most age groups. Since 1994 cohabitation is noticeable also among people above 50 years of age. That women tend to partner with men above their age is also reflected in the cohabitation figures in Table 1.

Marriage is still the most common living arrangement in Norway, except for the youngest age groups (Statistics Norway, 1999). In 1988, 34% of women

Table 1. Cohabitation in Norway, figures for sex and age groups (%)

	1977		1987		1996		
All women aged 20–44	5		18		24		
	Women				Men		
Age range (years)	1977	1988	1994	1998	1988	1994	1998
20–24	12	34	31	33	–	18	17
25–29	5	24	35	37	28	37	38
30–34	2	12	22	27	–	27	29
35–39	2	6	12	18	–	14	22
40–44	1	7	11	13	7	12	21
45–49	–	–	9	8	–	9	11
50–54	–	–	7	6	–	8	10
55–59	–	–	1	6	–	7	5
60–69	–	–	3	2	–	4	4
70–79	–	–	0	1	–	2	2
<i>N</i>	3817	3298	3437	3811	1543	3359	3762

Sources: Noack (1997, p. 27); Statistics Norway (1999, p. 90).

aged 20–24 and 24% of women aged 25–29 were cohabiting, while 20% and 43% were married. In 1998 there were also more cohabiting than married women in the 25–29 age group: 37% cohabiting compared with 30% married. The corresponding figures for the 20–25 age group in 1998 were 33% and 7%. The percentage of women married in 1998 was highest in the 40–44 and 55–59 age groups: 73% and 74%, respectively. One should note that from 1977 to 1996 the proportion neither married nor cohabiting has increased and is now over 20% for women aged 20–44 (Noack, 1997).

One may conclude that in Norway, from 1977 to 1997, marriage has been reduced as a living arrangement both compared with unmarried cohabitation and living alone (for women aged 20–44). That more people live alone is due to the steady increase in divorce as well as break-ups of unmarried cohabitation (Noack, 1997).

A note on the term ‘unmarried cohabitation’ may be needed. Although unmarried cohabitation comprises different living arrangements (Prinz, 1995, pp. 7–13), its modern form is fairly clear in Norway. And there is little stigma attached to it when asking about marital status.

A cohabiting person is one living with another person (of either sex) without being formally married to him/her. The basis for the arrangement is love, thus excluding siblings and parent/child, and students (and other people) just ‘flating’ or sharing a flat/house solely for practical and/or economic reasons. A sexual relationship is normally assumed, as is some degree of joint household chores and joint economy. Thus, cohabitation comprises clearly ‘marriage-like’ arrangements. Some people will even have a contract in case of dissolution, as present Norwegian partnership legislation comprises only registered partners of the same sex.

Often it is not clear whether a couple is a cohabiting couple in our sense. That has to do with uncertainty as to when a cohabiting arrangement starts

and as to its permanence. Typically, cohabitation is a gradual process. A boyfriend/girlfriend will visit each other more and more often, staying overnight, and meals are prepared together. Expenses might be shared, and after a while one partner gives up his/her flat which 'is not used much anyway'. When such a relationship changes from dating/visiting to a stable cohabiting arrangement might not always be clear, or only becomes clear in hindsight. There is usually no formal marker or ceremony signifying that the couple is cohabiting, although some couples will announce their relationship (e.g. in a paper), like a marriage. Such announcements or a party are not common and will take place only when the relationship is well established.

However, cohabiting ('samboende') is a standard word in contemporary Norwegian, used by both public authorities (like population registers, internal revenue offices, welfare agencies) as well as insurance companies and banks. Most Norwegians will have no problems in ticking the box for marital status in a questionnaire, provided the alternatives are not confusing and separate 'not married' and 'previously married' from 'cohabiting' (Noack, 1997; Prinz, 1995).

Explaining Cohabitation

Blom (1994) has presented a comprehensive attempt to explain why more and more people chose cohabitation over marriage as their living arrangement. More specifically, he estimates the effects of various factors on the transition to first marriage or first cohabitation among single Norwegians. His data are retrospective survey data of Norwegian men and women born between 1945 and 1960. These Norwegians are now middle aged, between 38 and 53, and their rates of cohabiting are most probably lower in comparison with younger cohorts.

Following a rational choice model (Becker, 1994; Blossfeld and Huinink, 1991; Rindfuss and VandenHeuvel, 1990) he includes a long range of personal and structural variables, among them education, labour force participation and background factors like geographic region, urban or rural domicile and religious commitment. Blom (1994) concludes that a higher education does not reduce marriage rates. He found that marriage rates for both men and women were higher during periods of employment, following prevailing sex roles expectations. Women of the oldest cohort (1945) expected to be housewives when marrying. Looking at the 1960 cohort, Blom finds no reason for the fear that expanded job opportunities for women will eradicate the basis for marriage.

A social value dimension has major effects upon the marriage/cohabitation choice—traditional versus modern (regional differences, religious activity, pregnancy status, time since first sexual intercourse). His data support the assumption that modern cohabitation has developed from two opposite origins, the educational elite and the working class.

Blom (1994) concludes 'that the spread of consensual unions is a main mechanism behind the decline in marriage formation. A question of 'taste' has entered the scene, as cohabitation has developed to a functional equivalent of marriage for a growing number of people, especially in the early phases of adult life. As a 'light' version of marriage, a private social contract with more individual freedom and less restrictions and exclusiveness than marriage,

cohabitation may for many be the optimal solution. That is a development fuelled by secularization and value change' (p. 170). Thus understood modern cohabitation is well in line with Giddens' form of 'transformed intimacy', a pure relationship based on love and identity building between equal partners, where formal confirmation from the outside and involvement from family are irrelevant to the duration of the union (Beck *et al.*, 1994; Giddens, 1992).

The Role of Family Policy

Models for marriage/cohabitation choice like the one above, are based on personal and structural variables, but family policy is not easily included as an explanatory variable. Family policy is a complex concept, and its effect on family behaviour is difficult to determine, but it is a field of increasing interest. The European Observatory on National Family Policies (1996) includes a comprehensive and systematic review of legal and policy responses to cohabitation and tries to map cohabitation and social policy measures in EU countries for 1995. Norway was not included in this study, but one observation (relevant for Norway) is that '... in Denmark and Sweden ... cohabitation has achieved the status of an accepted social institution' (p. 19), and this is reflected in welfare policy measures.

In 1978, Henriksen and Holter pointed out, in what seems to be an understatement, that 'In Norway, as in other Scandinavian countries, the distinction between family policy and other types of social and economic policy is not entirely clear' (p. 49). And further: 'Norway has developed an extensive system of public social security and health services of which only a minor part is explicitly termed family policy.'

The absence of an explicit family policy in Norway may be illustrated by the fact that for a number of years there was no ministry for family affairs. Such matters were handled by the Ministry for Consumer and Administrative Affairs. In the party programmes of the Labour Party, which has been dominating Norwegian politics since World War II, the word family appears very seldom. Instead, measures affecting families and family behaviour are found under headings like labour market issues, gender equality policy, child policy (including day-care centres for children), welfare schemes for unwed mothers, sex education, abortion, mother-child health services, and taxation (Bergström, 1998). Only with the new government in 1997, where the Christian People's Party plays a major role, have family policies and values been put on the political agenda as *family* issues (and in the traditional way).

The above statements by Henriksen and Holter (1978) about extensive welfare state arrangements still hold true. Owing to generous oil revenues Norway has been able to maintain and expand the welfare state. The increase in labour market participation of women, particularly women with small children, is one of the most striking features of Norwegian society in recent years, largely associated with new job opportunities created by the welfare state within health and social services. Some observers (such as Leira, 1992) claim, however, that changes in gender roles and women's labour market participation came first, necessitating family policy reforms, like improved coverage of day-care centres for pre-school children.

As yet there is no specific legislation in Norway regulating unmarried cohabitation. The present law on partnerships deals only with registered partnerships

between partners of the same sex. In 1999 a government commission presented a report on 'rights, welfare benefits and duties' connected with unmarried cohabitation, or 'persons who live in stable marriage-like relationships', as the mandate specifies (NOU, 1999: 25, p. 19). The commission was asked to 'give an evaluation in principle of how far our society ought to move towards an equalisation between marriage and unmarried cohabitation' (p. 19). The commission was also requested to 'discuss how the status as cohabiting is to be decided, including voluntary or compulsory registration' (p. 19). Obviously the mandate expressed problems or concerns with unmarried cohabitation. Since cohabitation is seen as very much like marriage by many Norwegians, only lacking the formal confirmation from society, rights, duties and benefits should also be the same. The commission was appointed in 1996 by a Labour government, which was shortly afterwards followed by a coalition and minority government with the prime minister as well as the family minister from the Christian People's Party. New members were added to the commission and its work turned out to be difficult. No major changes were suggested.²

Norwegian law on marriage deals with the married couple and their possible child(ren) as a unit and specifies rights and duties between the spouses, between parents and children and other kin, including what happens in case the marriage is dissolved owing to divorce or death. A cohabiting couple will basically be considered as two single individuals, with their separate relations to their own children, but not to the partner's children (Bull, 1992, 1993; Haakstad and Stavi, 1997; Hafstad *et al.*, 1997; Unneberg, 1996a, b, c).

Thus, family/marriage laws define rights for cohabiting couples indirectly by giving rights of family members priority over rights of non-family/kin. Important rights and duties for cohabiting couples are defined directly by welfare and taxation legislation and regulations. The outcome for a family versus cohabiting partners will vary according to position, circumstances and preferences, as will be seen below.

Here we shall focus on legislation and regulations that have a direct bearing upon marriage versus cohabitation as a living arrangement. We will discuss advantages/disadvantages/economic gains, money/finances, social welfare and insurance, rights in child(ren), taxation and consequences of dissolution of the union.

Basically, married spouses have joint economy, while two cohabiting people have their separate economy with few/no reciprocal responsibilities. Married spouses have to inform each other or agree on economic dispositions. That gives less individual freedom, but also more rights, particularly valuable if one part is economically weak. For instance, spouses have a duty to maintain each other economically (even after divorce), and if one spouse owns the house and furniture, he/she is not allowed to sell it or mortgage it without consent from the other spouse. No such formally prescribed duties/rights exist between cohabiting persons. However, banks will require both partners' signatures when giving loans even when the couple is cohabiting.

In terms of social welfare and pensions, two cohabiting people may in some cases receive more money than a similar married couple. Until January 1998 this applied to disability and old age pension. On the other hand, there is no equivalent to a widow/widower pension for cohabiting people. Two cohabiting people with children only from their previous relationships may receive more in child allowance and other support for children. Such support was

meant for unmarried mothers, and the differential treatment it may have implied for married versus cohabiting people has gradually been removed. For part of the period we describe here it paid for some not to marry.

There are clear differences between marriage and cohabitation as to rights in and responsibilities for the couple's children. Unless the couple has registered joint responsibility for the child, cohabitation gives the mother the sole rights in children, while in marriage there is joint responsibility. In marriage, the husband is automatically regarded as the father of his wife's children (the 'pater est' principle). If the mother is not married, a declaration of fatherhood from the father is needed and this declaration must be accepted by the mother.

In spite of strong efforts to involve fathers more with their children, such as about one year's paid and shared parental leave, the proportion of children living with their father is low in Norway. According to Jensen (1999) the proportion is also decreasing. Of children (below seven years of age) not living with both parents, 6.7% lived with their father in 1989, down to 4.0% in 1996 (p. 121).

The effects of taxation rules will depend on circumstances. A married couple will have a basic tax reduction not given to those who cohabit, and the couple may also reduce their tax in other ways that are not allowed individuals. In other respects those who cohabit have more tax advantages (income tax deductions for children if they only have children from previous relationships).

The most severe effects of marriage versus cohabitation, in addition to rights in children, are seen when the union is terminated, voluntarily or by death. Basically, property created in marriage is shared equally between spouses at divorce, while cohabiting partners keep their own belongings. A married spouse also has rights in the couple's dwelling and might have a right to economic maintenance after divorce. There are no such rights for cohabiting partners, but they are free to distribute things of monetary value through a contract. There is not a strong tradition in Norway for partners to have such contracts.

Inheritance rules in Norway clearly give priority to family/kin, foremost the spouse and children of the deceased. Without a will, a cohabiting partner will receive nothing, irrespective of the duration of the partnership or the partner's relation to his/her family/kin. There is a free part that can be distributed through a will, but in most cases this amount is small in Norway. Further, a widow/widower has the right to keep the entire inheritance and postpone the eventual partition of the inheritance until his/her own death (*vis-à-vis* children or other mandatory inheritors). Also, spouses pay less inheritance tax than cohabiting partners.

To summarize, family policy in Norway gives more freedom to cohabiting partners, while economically weak partners are best protected within marriage. Short-term considerations of gains/advantages may sometimes favour cohabitation, especially if the partners have children solely from previous relationships. These advantages have been gradually reduced during the period discussed here.

Long-term considerations, like what happens when the union is dissolved, clearly favour marriage, except for the woman's rights in children when she is cohabiting with the father. In terms of values and inheritance, a cohabiting partner will normally receive nothing. Through a partnership contract values

can be shared if the union is dissolved, but few cohabiting couples have such contracts; in 1988 only 13% of cohabiting women had contracts (Noack, 1991). For some people such a contract will be contradictory to the very idea of unmarried cohabitation. Inheritance rules, however, are mandatory, and in most cases little can be disposed freely in a will if the deceased have family/kin alive.

It should be added that many of the advantages of being married are reduced when partners are economically equal, as Norwegian family law is still directed towards the one-breadwinner family. Thus, women with their own income have less to gain from marriage and will gain more freedom and especially rights in children if they choose cohabitation. This gives less importance to short-term economic considerations and more weight to values and personal preferences in the choice between marriage and cohabitation.

It is doubtful how explicitly rational people are when they form unions. Generally, cohabiting unions are much more likely to be dissolved than marriages (Jensen, 1996). One can easily think there is a selection process in operation, to the effect that those who clearly intend to stay together are more likely to marry. This process will interact with a value dimension, as Blom (1994) has shown, as traditional values will favour a long/lifelong relationship and marriage. However, unmarried cohabitation is a functional alternative to many in Norway and 'a permanent family type' (Jensen, 1999).

Acceptance of Cohabitation

Family questions like unmarried cohabitation and childbirth outside marriage are closely linked with central values in society and often cause heated debate. In Norway, the Lutheran state church has been the strongest advocate for traditional values and has voiced disagreement with the more pluralistic family behaviour found in contemporary society. However, the picture drawn of the Parsonian and moralistic 1950s is too simple, and the significance of a 'concubinage paragraph' until 1972 should not be overemphasized. Still, it is a long way from the monolithic 1950s to the modernistic 1990s.

To what degree is the new family pattern, particularly cohabitation, generally accepted in society? In 1977, 7 out of 10 Norwegians did not approve of cohabitation. Only five years later the figure had been halved (Alstad, 1993). In 1995, 74% of Norwegian women aged 20–29 and 62% of women aged 30–39 held the opinion that cohabitation is as acceptable as marriage, even when the couple has children (Statistics Norway, 1995; Noack, 1996). In a representative survey from 1994, 73% 'strongly agreed or agreed' with the statement that it is all right to live together without an intention of marrying, and 76% 'agreed strongly or agreed' that it is sensible to live together before marrying. On the other hand, more than half of the respondents 'agreed strongly or agreed' that a person who wished to have children should marry (Knudsen and Wærness, 1996).

Another study of non-marital cohabitation and change of norms in Norway (Ramsey, 1994) demonstrated that the traditional parents of the 1950s accepted the new family pattern of their children when the new generation chose cohabitation over marriage. The parents in this study were asked a number of questions about their relationship with their children, married as well as cohabiting. There was hardly any difference with regard to contact, gifts,

support and inheritance. Ramsøy's conclusion is that 'non-marital cohabitation has . . . become a civil status accepted by all' in Norway. Thus 'marriage has . . . lost some of its position as the only basis for unions providing security for their members' (p. 33)

Family Policy and Family Behaviour

During the 1980s cohabitation increased steadily in Norway, and there have been several 'harmonizations' between marriage and cohabitation as regards social welfare benefits such as pensions, social support for unwed mothers, and marriage as a prerequisite to qualify for subsidized housing. Leira (1996) has pointed out that the relationship between family policy and family behaviour is not simple. New policies do not automatically induce behaviour changes, as 'comprehensive changes in family practices are often initiated in everyday life and not by state planning, even in Scandinavia where the state is highly interventionist. For example, . . . the large-scale entry of Norwegian mothers into the labour market was not initially induced or facilitated by generous maternity leave and public provision of day care for children' (p. 16). Further, many studies on union formation concentrate on individual and structural variables with little or no room for the role of family policy (Blom, 1994; Blossfeld and Huinink, 1991; Rindfuss and VandenHeuvel, 1990).

A comparison among family benefits and tax reductions in 18 OECD countries (Wennemo, 1992) shows no clear relationship between such support and marriage versus cohabitation or fertility. Other observers (Castles and Flood, 1993) point to the fundamental significance of values and the division between Catholic and Protestant countries. It should be noted, however, that the fertility pattern in Europe is undergoing profound changes (Council of Europe, 1999). In the Catholic south fertility continued to decrease towards the end of the 1990s; in Italy the fertility rate was 1.19 in 1998 (Council of Europe, 1999, p. 70). In the Protestant north (with a well-developed welfare system for parents) fertility is now higher than in the south and it is stable; in Norway the fertility rate was 1.81 in 1998. The two most noteworthy exceptions from this pattern are Ireland and Iceland, both with high birth rates. The relationship between family policy and family behaviour is often complex and open to different interpretations.

However, in a Swedish study the relationship between a specific family policy reform and marital behaviour was established. Hoem (1991) analysed the effects of a change in the Swedish National Pension Scheme, making it profitable in terms of increased pension to marry before 31 December 1989. It turned out that the number of marriages increased from a 'normal' of 2500 to 3000 for December months in the 1980s to 64,000 in December 1989 (with a subsequent fallback again in 1990).

One conclusion is that family policy matters, at least if its consequences or benefits are clear enough. Hoem also points to another equally important conclusion: '... the marriage peak in December clearly confirms how *lightly* Swedes in general have taken the choice between cohabitation and marriage' (p. 132). He adds that the increase in marriages did not come when the new legislation was passed, or in the period that followed, but at the very last moment. Hoem speculates whether the increase would have occurred if the matter had not received so much attention in the press, again underlining the

fact that marriage or cohabitation is no longer so important. A large number married only when it became profitable.

From another angle, Trost (1997) points to a similar aspect of this particular Swedish marriage boom: ‘... [it is] reasonable to see both marriage and cohabitation as social institutions and thus as two varieties of dyadic structures where none should have monopoly’ (p. 13). Thus, Trost also considers cohabitation as a well-established and fully accepted family form in Scandinavian countries. Such a view is supported by Ramsøy’s findings (1994) that contemporary parents in Norway relate to their married and cohabiting children in the same way. In other words, Norwegians realize their rather traditional family values (see Crompton and Harris, 1997) as married as well as cohabiters. This being the case, it is to be expected that family policy is currently mainly adaptive to people’s behaviour. An example of this is the Norwegian governmental commission on cohabitation, which was given the task of co-ordinating and harmonizing legislation and social policy regulations to accommodate both married and cohabiting couples—or people (NOU 1999: 25).

Notes

1. The State Church of Norway also takes on the civil formalities of marriage.
2. The government has not yet (winter 2000) presented the report to parliament.

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