



ADVANCED SUBSIDIARY GCE
CRITICAL THINKING
Unit 1: Credibility of Evidence

F491/RB

RESOURCE BOOKLET

Monday 18 May 2009
Afternoon

Duration: 1 hour 15 minutes



INSTRUCTIONS TO CANDIDATES

- Use Documents 1, 2, 3, 4 and 5 to answer the questions.

INFORMATION FOR CANDIDATES

- This document consists of 4 pages. Any blank pages are indicated.

There is a dispute as to whether or not giving financial rights to couples who have been living together would undermine the institution of marriage.

Document 1

From the broadsheets

Partners to get marriage-style rights

The Government has concerns about the lack of financial protection for the growing numbers living together outside marriage, so they asked the official law reform body to draw up proposals for a new rights regime for unmarried couples. The review concluded that when couples with children separate, or those who have been living together for a minimum period separate, they should be able to seek most of the same financial rights as people going through a divorce.

The Law Commissioner who led the review said that the scheme was distinct from divorce law. The financial needs of either party are not to be taken into account when calculating a settlement on separation, only the financial contributions made during the relationship. "All the work we have done suggests the reforms we are recommending would not harm marriage. We consider that our scheme strikes the right balance between the need to alleviate hardship and the need to protect couples' freedom of choice."

The authors of the report went out of their way to allay fears that the proposals would undermine marriage. They included data from Australia that showed how rights for cohabitants* had little impact on the marriage rate.

*cohabitants – those who live together as a couple but who are not married.

Document 2

One Plus One

In Britain – Who cohabits, when and why?

The trial run

70% of first partnerships in Britain are now cohabitations. These last on average two years. They tend to be 'experimental' and not intended to be long-term. 2% of women getting married in the late 1960s in Britain had cohabited with their future husbands. By the late 1990s nearly 80% of women reported living with their future spouse before marriage.

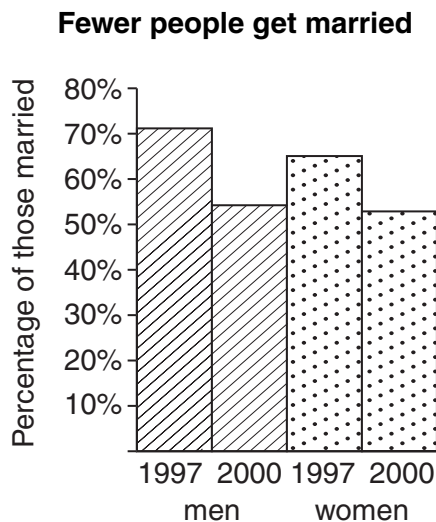


Fig. 1 The percentage of those married has fallen

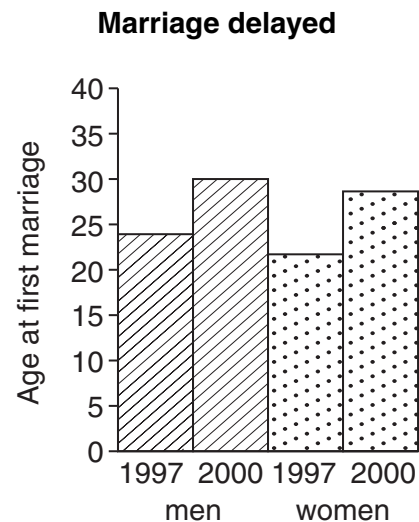


Fig. 2 The average age at first marriage is increasing steadily

One Plus One describe themselves as a team of researchers, practitioners and information specialists whose aim is to enhance understanding of how family relationships contribute to the well-being of adults.

Document 3

Independent.co.uk

Church leaders respond

The Bishop of Southwark said: "It is perfectly justified in terms of public policy for marriage to continue to confer particular benefits and privileges not available to those who choose not to get married, so long as adequate steps are taken to prevent injustice. The test will be whether taking these steps will genuinely correct injustices without at the same time downgrading or creating disincentives to marriage."

The Archbishop of Canterbury said that the plans to give legal rights to cohabiting couples showed "very poor concern for vulnerable people who are left stranded at the end of a partnership breaking up". However, he warned that these proposals would not reverse the decline of marriage. He said marriage had "suffered a long process of erosion" and the Law Commission proposals would further add to a "prevailing social muddle". He said: "The concept of cohabitation is an utterly vague one that covers a huge variety of arrangements. As soon as you define anything, you are creating a kind of status that is potentially in competition with marriage or a reinvention of marriage."

Document 4

ekklesia.co.uk

Church backs legal rights for unmarried parents

Responding to recommendations from the Law Commission, the Church of England said it wanted to uphold the ideal of marriage but that there was a strong duty to protect the vulnerable. It said that cohabiting couples with children should be granted significant financial protection if they split up. It also argued that those rights should be extended to unmarried couples without children if one of the ex-partners was at risk of suffering a substantial injustice when they separated.

Its stance will dismay some Christians, who believe that any support for people living together outside the legal institution of marriage will erode or undermine it.

Director of the think-tank Ekklesia, which has recently produced a paper suggesting radical reform to marriage law, said, "The move by the Church of England is certainly a step in the right direction. The recognition that justice should be the basis of reform to marriage and cohabitation law is most welcome."

ekklesia.co.uk, a religious website, describes itself as 'a widely-referenced source of authoritative comment, policy ideas and news briefing on contemporary issues related to religion and politics'.

Document 5

Christian Today

Cohabitation Rights

Catholic bishops in a statement to the Law Commission said, "A man and a woman who are simply cohabiting have the very clear option to marry and consequently enjoy the benefits of being married. The gradual erosion of tax and benefits has already led to a downgrading of the institution of marriage. To provide the existing financial benefits of marriage to those living outside a marital relationship would undoubtedly lead to a further undermining of the institution of marriage. It would inevitably lead to the question, 'Why marry at all?'"

An advisor to the Conservative Social Justice Commission warned that the break-up rate was much higher among unmarried parents and that children were the losers. "If we start increasing the protection for cohabiting families we need to take into account that we may be increasing the problem, causing more family break up, in the long term."

Christian Today describe themselves as 'an independent Christian media company'.



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