



# WILL PROVIDING MARRIAGE RIGHTS TO SAME-SEX COUPLES UNDERMINE HETEROSEXUAL MARRIAGE?: Evidence from Scandinavia

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M. V. Lee Badgett, Ph.D.  
Professor of Economics  
University of Massachusetts, Amherst

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# Will Providing Marriage Rights to Same-Sex Couples Undermine Heterosexual Marriage?: Evidence from Scandinavia

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As a way to understand what might happen, some writers have looked to the experience of those Scandinavian countries that pioneered giving a marriage-like status to gay and lesbian couples. Denmark adopted such a law in 1989, Norway in 1993, Sweden in 1994, and Iceland in 1996. Since then, three other countries (France, Germany, and Finland) have also created a new status for same-sex couples, and two (the Netherlands and Belgium) opened marriage to same-sex couples.

What can we learn from the experience of these countries about the impact of giving gay couples the right to marry on heterosexual marriage patterns? On the one hand, the fact that Danish marriage rates increased slightly after the passage of partner recognition laws has led some observers to conclude that gay couples are saving the institution of marriage. On the other hand, Stanley Kurtz of the Hoover Institute claims that allowing gay couples to marry or have marital rights has undermined the institution of heterosexual marriage in Scandinavia (Kurtz 2004a). In this paper I show that this argument, which has been widely reprinted and quoted around the country, is based on the consistent misuse and misinterpretation of data.

The argument that same-sex partnerships undermine heterosexual marriage rests on four claims:

1. In the European countries that allow same-sex couples to register as partners, marriage and parenthood have become separated, and married parenthood has become a minority occurrence.
2. The separation of marriage and parenthood in those countries is disastrous for children because of higher rates of break-up among cohabitators.
3. Allowing gay marriage is both an effect and a cause of the separation of parenthood and marriage.
4. If the U.S. allows gay couples to marry, heterosexual people in the U.S. will adopt European-style family dynamics.

In fact, none of these claims fits the actual evidence of the Scandinavian experience.

1. Divorce rates have not risen since the passage of partnership laws and marriage rates have remained stable or actually increased.
2. The average Scandinavian child spends more than 80% of his or her life with both parents - more time than the average American child! Norwegian children spend, on average, 89 percent of their youth living with both parents. American children, by contrast, spend, on average, just 67 percent of their youth living with both parents.

3. Non-marital birth rates have not risen faster in Scandinavia since the passage of same-sex partnership laws. Although there has been a long term trend toward the separation of sex, reproduction, and marriage in the industrialized West, non-marital birth rates changed just as much in countries without partnership laws as in countries that legally recognize same-sex partnerships.

### **Married parents are still the majority in Scandinavia**

Marriage and child-bearing have become less directly connected over time in many European countries, including Scandinavia. But as we shall see, this separation hardly qualifies as the death of marriage, and it cannot be blamed on the passage of same-sex partner laws. In fact, Denmark's long-term decline in marriage rates turned around in the early 1980s, and the upward trend in heterosexual marriage has continued since the 1989 passage of the registered partner law. Today, Danish heterosexual marriage rates are the highest they have been since the early 1970s. The most recent marriage rates in Sweden, Norway, and Iceland are also all higher today than they were in the years before the partner laws were passed.

No research suggests that recognizing same-sex couple relationships caused the increase in marriage rates. But heterosexual couples in those countries were clearly not deterred from marrying by the legalization of same-sex partnerships. And couples who do marry in these countries did not become more likely to divorce after the introduction of same-sex partner registration.

Cohabitation rates are indeed on the rise in Scandinavia and other European countries, as is the likelihood that an unmarried cohabiting couple will have children. In Denmark, the number of cohabiting couples with children rose by 25% in the 1990s. Roughly half of all births in Norway, Sweden, and Denmark, and almost two-thirds in Iceland, are to parents who are not married. From these figures, Kurtz concludes that "married parenthood has become a minority phenomenon" (Kurtz 2000a).

In fact, however, the majority of families with children in Scandinavia are still headed by married parents. In 2000, for instance, 78% of couples with children were married couples in Denmark. Even if we also include single-parent families in the calculation, almost two-thirds of all families with children were headed by a married couple. In Norway, 79% of couples with children are married.

How can this fact coexist with high non-marital birth rates and cohabitation rates? The main reason is that most cohabiting couples marry after they start having children. In Sweden, for instance, 70% of cohabiters marry after the birth of the first child, most of them within five years. As a result, high rates of married couple parenting and rising marriage rates in Scandinavia are not incompatible with high non-marital birth rates.

## **The Impact on Children**

Kurtz claims that the rise in non-marital births hurts children because unmarried couples are more likely to break-up than married couples. It is true that unmarried cohabiters' unions are more likely to dissolve than are marriages, even when children are present. But when cohabiting parents marry in Scandinavian countries, as most eventually do, they are not more likely to divorce than are couples who were married when they first had their children.

As a result, children in Scandinavia countries still spend most of their lives with their parents living together. In fact, they spend more time than kids in the U.S. do!

Gunnar Andersson has calculated how much time the average child in Europe and America spends living with both parents in the same household. Of the countries he examined, the lowest average is in the United States, where the time spent with both parents is 67%. The highest is in Italy, where it is 97%. In Sweden the average is 81%, in Finland it is 88%, and in Norway it is 89%. In other words, combining the time that parents are cohabiting and married demonstrates that Scandinavian children are spending the vast majority of their young lives with their parents.

## **Did gay marriage widen the split between parenthood and marriage?**

No one would argue that marriage plays the same role in Scandinavia and in other parts of Europe that it once did. And to his credit, Kurtz himself recognizes that changes in marriage in Scandinavia were in many ways cause rather than effect of the legal recognition extended to gay couples. He acknowledges that high rates of cohabitation and the changing role of marriage in Scandinavia made it more likely that those countries would be the innovators in giving marriage-like rights to gay people. The decline of religious practice and belief, the rise of the welfare state, advances in contraception and abortion, and the improving economic status of women - all long-term trends in Scandinavia - probably contributed both to the rise in cohabitation and to the equalizing of rights for gay and lesbian people.

But Kurtz claims that registered partnerships "further undermined the institution" of marriage and that gay marriage "widened the separation" between marriage and parenthood. In other words, things were already bad, but gay marriage made it worse.

However, this argument does not hold up either, since the non-marital birth rate began rising in the 1970s, long before any legal recognition of same-sex couples. From 1970 to 1980, the Danish non-marital birth rate tripled, from 11% to 33%. It rose again in the following decade, but by a much smaller amount, reaching 46% in 1990, but then leveled off. Denmark's non-marital birth rate did not increase at all when the Danish partnership law was passed in 1989. In fact, it actually decreased a bit after that date!

From 1980 to 1989, before Denmark passed the registered partner law, the number of cohabiting couples with children rose by 70%. Between 1989 and 2000, the figure rose by

only 28%, and between 2000 to 2003, the number increased by a barely perceptible 0.3%. This will appear to the average reader to contradict the previous claim. Do we need it? If so, it needs to be framed better.

Norway's big surge in non-marital births also occurred well before the passage of same-sex partnership recognition in 1993. In the 1980s, the percentage of births to unmarried parents rose from 16% to 39%. In the first half of the 1990s, the non-marital birth rate rose more slowly, leveling off at 50 % in the mid-1990s. If the partnership law had "further" encouraged non-marital births, the rate should have increased faster, but in fact, as in Denmark, the increase in non-marital childbearing slowed down or stopped after the passage of registered partnership laws.

The Netherlands show a slightly different pattern, but here too there is no correlation between recognition of same-sex partnerships and rising rates of non-marital births. The Dutch lagged well behind Scandinavia in births by unmarried couples, with rates remaining below 10% until 1988. Sometime around 1992 the non-marital birth rate started increasing at a somewhat faster rate, but this acceleration began well before the Netherlands implemented registered same-sex partnerships in 1998 and gave same-sex couples the right to marry in 2001.

It is also instructive to compare the trends of countries that have a partner registration law with those that do not. If recognizing gay couples contributed to the increase in non-marital births, then we should see a bigger change in countries with those laws than in countries without them. Data from Eurostat shows that in the 1990s, the eight countries that recognized registered partners at some point in that decade saw an increase of eight percentage points in the average non-marital birth rate - from 36% in 1991 to 44% in 2000. In the EU countries (plus Switzerland) that didn't recognize partners, the non-marital birth rate rose by exactly the same amount, though it started from a lower base. In this case, the increase was from 15% to 23%.

Only one piece of evidence supports Kurtz's argument that same-sex partnerships created a new wedge between parenthood and marriage - and that piece of evidence directly contradicts Kurt's ideas about the cause of such a separation. Contrary to what many observers believe, Scandinavian parliaments did not give same-sex couples the exact same rights as heterosexual ones. Quite deliberately, the various Scandinavian parliaments chose to provide legal ties for same-sex couples through a special new legal relationship, not by the simpler path of extending the right to marry to same-sex couples. And they denied same-sex couples the right to adopt children (including their non-biological children raised from birth) or to gain access to reproductive technologies.

Thus Scandinavian governments did create a wedge between marriage and reproduction - but they did so by design and for same-sex couples only. Despite some loosening of those prohibitions over time, registered partners who want to have children still face legal hurdles that heterosexual married couples do not.

## **The Impact of Gay Marriage in the U.S.**

In the end, the Scandinavian experience suggests that those who worry that heterosexual people will flee marriage if gay people get the same rights have no basis for their concerns. This is especially true in the United States, where couples have many more tangible incentives to marry. Scholars of social welfare programs have noted that our country relies heavily on the labor market and families to provide income and support for individuals. In the United States, unlike Scandinavia, marriage is often the only route to survivor coverage in pensions and social security, and many people have access to health care only through their spouse's employment. Scandinavian states are much more financially supportive of families and individuals, regardless of their family or marital status. The lack of support alternatives plus the tangible benefits of marriage all lead to one conclusion: If and when same-sex couples are allowed to marry, heterosexual couples will continue to marry in the United States.

## **Conclusion**

Overall, there is no evidence that giving partnership rights to same-sex couples had any impact on heterosexual marriage in Scandinavia. Marriage rates, divorce rates, and non-marital birth rates have been changing in Scandinavia, Europe, and the United States for the past thirty years. But those changes have occurred in all countries, regardless of whether or not they adopted same-sex partnership laws. Furthermore, the legal and cultural context in the United States gives many more incentives for heterosexual couples to marry than in Europe, and those incentives will still exist even if same-sex couples can marry. Giving same-sex couples marriage or marriage-like rights has not undermined heterosexual marriage in Europe, and it is not likely to do so in the United States.

## About the Author

M. V. Badgett  
Professor of Economics  
University of Massachusetts, Amherst  
Email: [lbadgett@econs.umass.edu](mailto:lbadgett@econs.umass.edu)

## Media Contact

Stephanie Coontz  
Director of Research and Public Education  
Council on Contemporary Families  
Email: [coontz@msn.com](mailto:coontz@msn.com)

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