

# Will Providing Marriage Rights to Same-Sex Couples Undermine Heterosexual Marriage?

## Evidence from Scandinavia and the Netherlands



*A discussion paper  
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Contemporary  
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Gay and Lesbian  
Strategic Studies***

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Since the November 2003 court ruling allowing same-sex couples to marry in Massachusetts, a new debate on expanding the right to marry has exploded across the United States. While the debate involves many issues, one particularly controversial question is whether heterosexual people would change their marriage behavior if same-sex couples were given the same marital rights and obligations.

As a way to understand what might happen, some writers have looked to the experience of those Scandinavian countries that have pioneered giving a marriage-like status to gay and lesbian couples. Denmark adopted such a “registered partnership” law in 1989, Norway in 1993, Sweden in 1994, and Iceland in 1996. Same-sex couples who register as partners in those countries receive most of the rights and responsibilities of marriage. 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 how giving gay couples the right to marry affects 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 Institution claims that allowing gay couples to marry or have marital rights has undermined the institution of marriage in Scandinavia and the Netherlands.<sup>1</sup> This second argument has been widely reprinted and quoted around the country. However, the claim that giving marital rights to gay couples will undermine heterosexual marriage 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 accelerates 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 and Dutch experience and the U.S. context. A closer look at the data reveals a very different picture:

- Divorce rates have not risen since the passage of partnership laws, and marriage rates have remained stable or actually increased.
- The majority of parents are married. The average Scandinavian child spends more than 80% of his or her youth living with both parents—more time than the average American child.
- Non-marital birth rates have not risen faster in Scandinavia or the Netherlands since the passage of partnership laws. Although there has been a long-term trend toward the separation of sex, reproduction, and marriage in the industrialized west, this trend is unrelated to the legal recognition of same-sex couples. Non-marital birth rates changed just as much in countries without partnership laws as in countries that legally recognize same-sex couples’ partnerships.

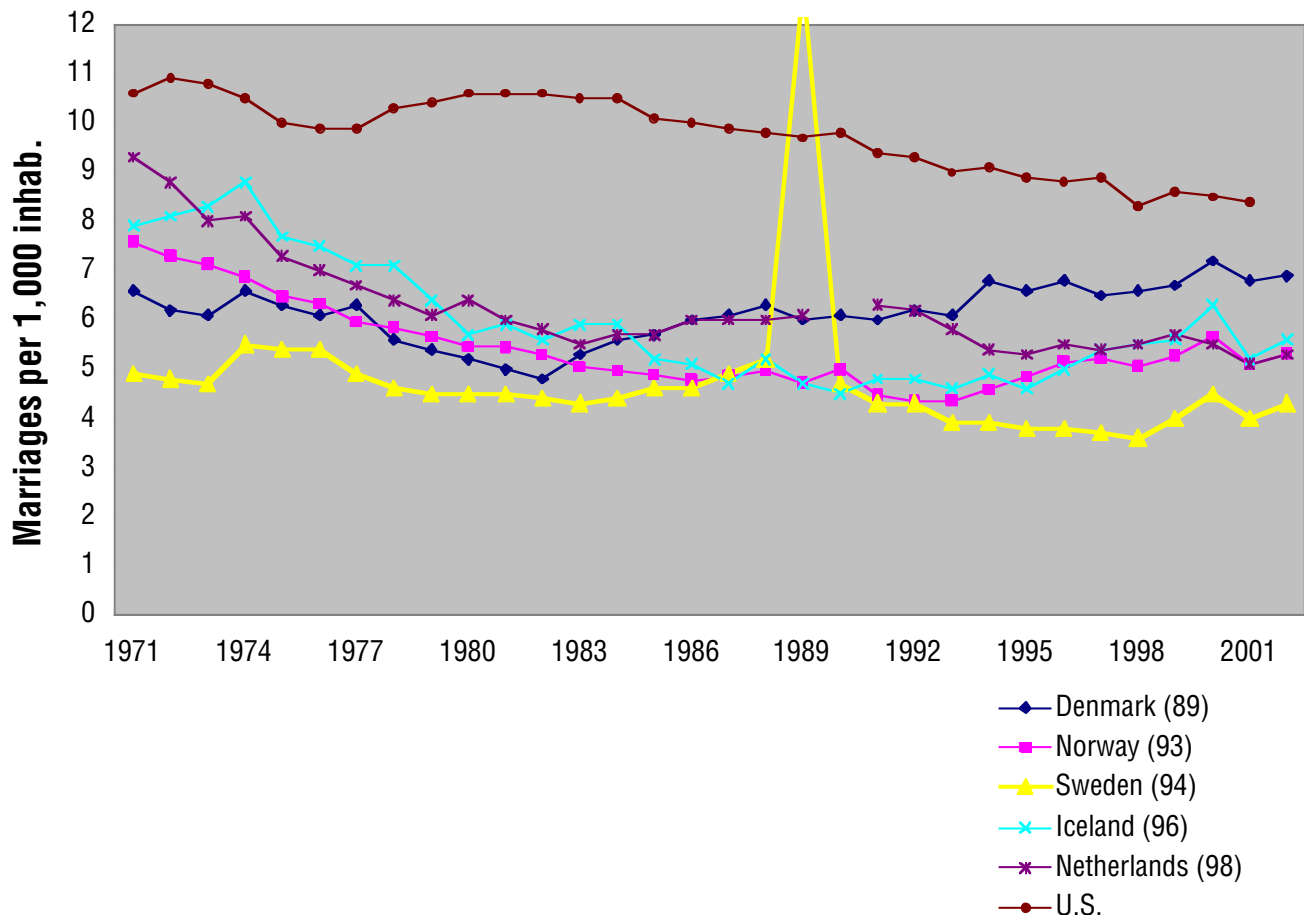
## Married parents are still the majority in Scandinavia

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 longterm decline in marriage rates turned around in the early 1980's, and the upward trend has continued since the 1989 passage of the registered partner law (Chart 1). Now the Danish heterosexual marriage rates are now the highest they have been since the early 1970's. The most recent marriage rates in Sweden, Norway, and Iceland are also higher today than they were in the years before the partnership laws were passed. The slight dip in marriage rates in the Netherlands since 2001 is the result of a recession-induced cutback on weddings, according to Dutch demographers, and the actual number of marriages has gone up and down in the last few years, even before the legalization of same-sex marriage.<sup>2</sup>

No research suggests that recognizing same-sex couples' 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 couples' rights.

Chart 1: Marriage Rate Comparisons, 1971–2002



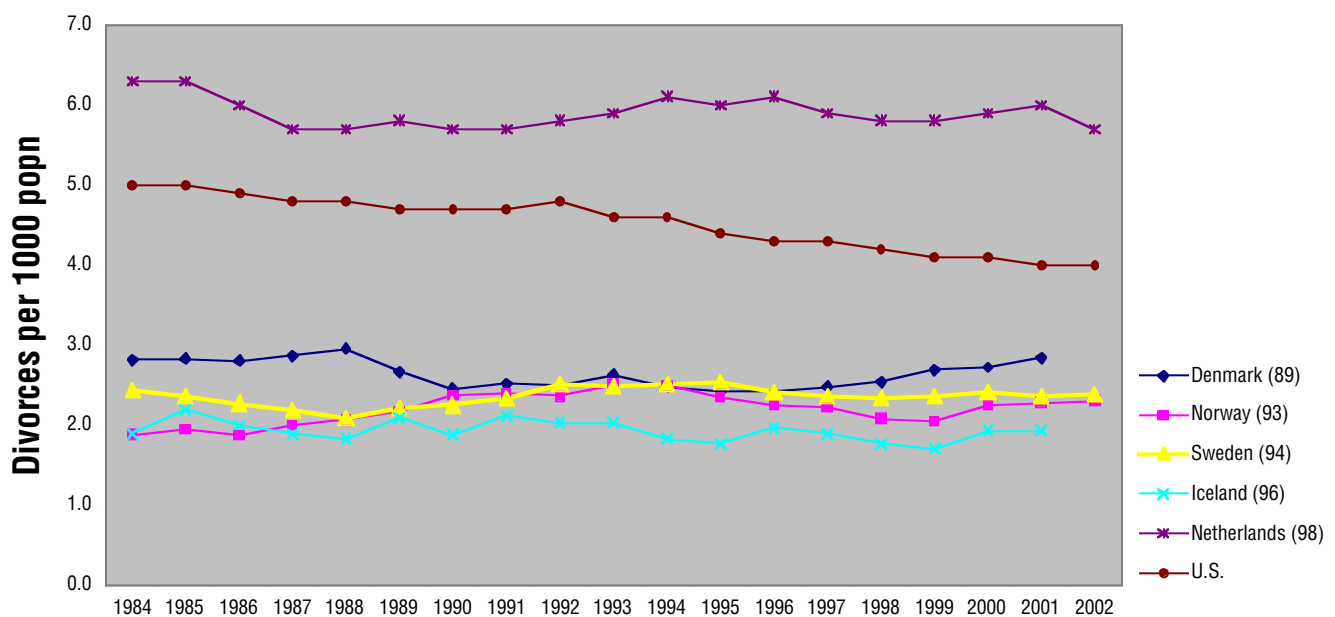
Divorce rates also show no evidence of harm to heterosexual marriage from partnership laws. Scandinavian divorce rates have not changed much in Scandinavia in the last two decades (Chart 2). Danish demographers have even found that marriages in the early 1990's appear to be more stable than those in the 1980's.<sup>3</sup>

Cohabitation rates are indeed on the rise, though, 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 2/3 in Iceland, are to parents who are not married. From these figures, Kurtz concludes that "married parenthood has become a minority phenomenon."<sup>4</sup>

In fact, however, the majority of families with children in Scandinavia and the Netherlands are still headed by married parents.<sup>5</sup> In 2000, for instance, 78% of Danish couples with children were married couples. If we also include single parent families in the calculation, almost two-thirds of families with children were headed by a married couple. In Norway, 77% of couples with children are married, and 61% of all families with children are headed by married parents.<sup>6</sup> And 75% of Dutch families with children include married couples. By comparison, 72% of families with children are headed by married couples in the United States.

How can this fact coexist with high nonmarital birth rates and cohabitation rates? The main reason is that in Scandinavia and the Netherlands most cohabiting couples marry after they start having children.<sup>7</sup> In Sweden, for instance, 70% of cohabiters marry after the birth of the first child, most of them within five years. In the Netherlands, while 30% of children are born outside of marriage, only 21% of children under one live with unmarried parents, and by age five, only 11% live with unmarried parents.<sup>8</sup> As a result, high rates of married couple parenting and rising marriage rates in Scandinavia are not incompatible with high nonmarital birth rates.

Chart 2: Divorce Rate Comparison, 1984–2002



## The impact on children

Kurtz claims that the rise in nonmarital births will hurt children since unmarried couples are more likely to break-up than married couples. And it is true that unmarried cohabiters' unions are more likely to dissolve in Scandinavia 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 had their children.<sup>9</sup>

As a result, children in Scandinavia countries still spend most of their lives with their parents living together.<sup>10</sup> In fact, they spend more time than kids in the U.S. do! Gunnar Andersson has calculated how much time the average child spent living with both parents in the same household in the 1980's, the most recent period that allows comparisons across countries.<sup>11</sup> Of the countries he examines, 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 Norway it is 89%, and in Finland it is 88%. In other words, combining the time that parents are cohabiting and married demonstrates that children are spending the vast majority of their young lives with their parents in the Scandinavian countries.

## 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. Kurtz acknowledges that high rates of cohabitation and the changing role of marriage in Scandinavia probably 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 and the Netherlands—probably contributed both to the rise in cohabitation and to the equalizing of rights for gay and lesbian people.

In a recent study, I compared the cohabitation rates (and other variables) in the nine countries that recognize same-sex partners with other European and North American countries that do not.<sup>12</sup> Cohabitation rates were higher in the partner recognition countries *before* the passage of same-sex partner laws. Since higher cohabitation rates came first, it would be inappropriate to blame partnership laws for more cohabitation.

But Kurtz also makes the subtler claim that registered partnerships “*further* undermined the institution” (his emphasis) and that “gay marriage has widened the separation” between marriage and parenthood.<sup>13</sup> In other words, things were already bad but gay marriage made it worse.

However, this argument does not hold up, either, since the nonmarital birth rate began rising in the 1970's, long before any legal recognition of same-sex couples, and it has actually *slowed down* in Scandinavia in recent years.<sup>14</sup> From 1970 to 1980, the Danish nonmarital birth rate tripled, rising from 11% to 33%. It rose again in the following decade, but by a much smaller amount, to 46% in 1990, before ending its climb. Denmark's nonmarital 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!

Norway's big surge in non-marital births also occurred well before the passage of its registered partnership law in 1993. In the 1980's, the percentage of births to unmarried

parents rose from 16% to 39%. In first half of the 1990's, the nonmarital birth rate rose more slowly, leveling off at 50% in the mid-1990s.

Kurtz argues that the main impact of partner registration laws in Norway was to discourage couples from marrying after the birth of their first child.<sup>15</sup> But the data on second, third, and later babies born to unmarried parents tell the same story as the overall trend. In 1985, 10% of second and later babies had unmarried parents, a number that tripled to 31% by 1993.<sup>16</sup> From 1994 to 2003, though, the number only rose to 41% where it appears to be leveling off.<sup>17</sup> If the partnership law had “further” encouraged nonmarital births of first or later children, these rates should have increased faster after 1993, but in fact the increase slowed down (for second and later births) or stopped (for first births).

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. Despite high rates of cohabitation, the Dutch have traditionally been much less likely than Scandinavians to have babies before marriage, with fewer than one in ten births to unmarried parents until 1988.<sup>18</sup> Kurtz argues that legal recognition for same-sex couples kicked Holland into the Scandinavian league with respect to nonmarital parenting.<sup>19</sup> It is true that the Dutch nonmarital birth rate has been rising steadily since the 1980's, and sometime in the early 1990's the nonmarital birth rate started increasing at a somewhat faster rate. But that acceleration began well before the Netherlands implemented registered partnerships in 1998 and gave same-sex couples the right to marry in 2001.

Another helpful perspective is 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 nonmarital 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 1990's, the eight countries that recognized registered partners at some point in that decade saw an increase in the average nonmarital birth rate from 36% in 1991 to 44% in 2000, for an eight percentage point increase.<sup>20</sup> In the EU countries (plus Switzerland) that didn't recognize partners, the average rate rose from 15% to 23% — also an eight percentage point increase. The change in rates was exactly the same, demonstrating that partner registration laws did not cause the nonmarital birth rate trends.

Even if we distinguish two kinds of countries—separating out those like the Netherlands with traditionally low nonmarital birth rates from those like Norway with traditionally high rates—we see that there is no connection between partnership recognition and the growth in nonmarital births. The same rapid rise in nonmarital births that that we see in the Netherlands in the 1990s also occurred in other European countries that initially had low nonmarital birth rates. Nonmarital birth rates have soared in Ireland, Luxembourg, Hungary, Lithuania, and several other eastern European countries—all countries that do not allow same-sex couples to marry or register.<sup>21</sup>

Only one piece of evidence supports Kurtz's argument that partnership created a new wedge between parenthood and marriage, and that piece of evidence directly contradicts Kurtz'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 couples. 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 the parliaments denied same-sex couples the right to adopt children (including their nonbiological 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 they did so only for same-sex couples. 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 and Dutch experience suggests that there is little reason to worry that heterosexual people will flee marriage if gay and lesbian couples get the same rights. This conclusion is even stronger when looking at the United States, where couples have many more tangible incentives to marry. Scholars of social welfare programs have noted that the U.S. 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.<sup>22</sup> Scandinavian states, on the other hand, are much more financially supportive of families and individuals, regardless of their family or marital status.<sup>23</sup>

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 Scandinavian countries and the Netherlands. Marriage rates, divorce rates, and nonmarital 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, and these trends were underway well before the passage of laws that gave same-sex couples rights.

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.

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## Notes

1. Lengthy articles on this subject by Stanley Kurtz include: "The End of Marriage in Scandinavia," *Weekly Standard*, Vol. 9, Issue 20, Feb. 2, 2004; "Going Dutch: Lessons of the Same-Sex Marriage Debate in the Netherlands," *Weekly Standard*, Vol. 9, Issue 36, May 31, 2004; "Unhealthy Half Truths: Scandinavian Marriage is Dying," *National Review Online*, May 25, 2004; "No Explanation: Gay Marriage Has Sent the Netherlands the Way of Scandinavia," *National Review Online*, June 3, 2004.
2. Personal communication with Dr. Jan Latten, demographer with Statistics Netherlands (Personal communication, March 12, 2004). Falling birth rates are also likely tied to the drop in marriages, according to Dr. Joop Garssen of Statistics Netherlands (Personal communication, June 18, 2004).
3. Statistics Denmark, *Statistical Yearbook 2003*, "Populations and Elections," p. 6. <http://www.dst.dk/HomeUK/Statistics/Publications/Yearbook/2003.aspx?>
4. Kurtz, "The End of Marriage in Scandinavia."
5. Except where noted in this paragraph, these figures are the author's calculations from tables from national statistical agencies.
6. Statistics Norway, "Less married couples with children at home," Table 2: Families, by type of family. Children under 18 years of age, 1974-2004, June 3, 2004, [http://www.ssb.no/english/subjects/02/01/20/familie\\_en/tab-2004-06-03-02-en.html](http://www.ssb.no/english/subjects/02/01/20/familie_en/tab-2004-06-03-02-en.html); Statistics Norway, "Five in Six Children have Siblings," August 21, 2003, [http://www.ssb.no/english/subjects/02/01/20/barn\\_en/](http://www.ssb.no/english/subjects/02/01/20/barn_en/).
7. Kiernan, Kathleen. "The Rise of Cohabitation and Childbearing Outside Marriage in Western Europe," *International Journal of Law, Policy and the Family*, Vol. 15, pp 1-21, 2001, p. 17.
8. Dr. Joop Garssen, Statistics Netherlands, personal communication, June 18, 2004.
9. Kiernan, p. 18.
10. Data for the Netherlands are not available for these measures.
11. Gunnar Andersson, "Children's experience of family disruption and family formation: Evidence from 16 FFS countries," *Demographic Research*, Vol. 7, Article 7, August 02, 2002, [www.demographic-research.org](http://www.demographic-research.org), p. 358. These Family and Fertility Studies that Andersson analyzes are also used by Kiernan in the work cited earlier.
12. M. V. Lee Badgett, "Variations on an Equitable Theme: Explaining International Same-sex Partner Recognition Laws," March 2004.
13. Kurtz, "The End of Marriage in Scandinavia."
14. Nonmarital birth rates in the next few paragraphs are from Eurostat for the 1990's and national statistical agency websites for previous years.
15. Kurtz, "The End of Marriage in Scandinavia."
16. Unpublished data on order of birth and marital status was provided by Statistics Norway.
17. The percentage of first births to unmarried parents did not increase at all from 1994 to 2003.
18. Arno Sprangers and Joop Garssen, "Non-marital-fertility in the European Economic Area," *Statistics Netherlands*, Feb. 26, 2003. David Coleman and Joop Garssen, "The Netherlands: paradigm or exception in Western Europe's demography?" *Demographic Research*, Vol. 7, Article 10, Sept. 10, 2002, [www.demographic-research.org](http://www.demographic-research.org).
19. For instance, note the subtitle of the June 3, 2004 article: "Gay Marriage has sent the Netherlands the way of Scandinavia."
20. Finland did not pass its partner registration law until 2001, so it is included in the non-partnership countries for this comparison.
21. From 1990 to 2002, the changes in the nonmarital birth rates were as follows: Netherlands 12.0% to 29.1%, Luxembourg 12.2% to 23.2%, Ireland 16.9% to 31.1%, Hungary 14.2% to 32.2%, Lithuania 7.0% to 27.9%, Slovakia 9.0% to 21.6%. Eurostat, "Live Births Outside Marriage," available through <http://europa.eu.int/comm/eurostat>.
22. Over 60% of insured people get insurance through their own employer or a family member's employer. U.S. Bureau of the Census. *Health Insurance Coverage: 2001*. Current Population Reports P60-220, 2002, <http://www.census.gov/prod/2002pubs/p60-220.pdf>.
23. Esping-Andersen, Gosta. *Social Foundations of Postindustrial Economics*. Oxford University Press, Oxford, 1999.

## About the Council on Contemporary Families

**F**ounded in 1996, with a membership consisting of national noted family researchers, mental health and social work practitioners, and clinicians, the **Council on Contemporary Families (CCF)** is a nonprofit organization dedicated to enhancing the national conversation about what contemporary families need and how these needs can best be met. [www.contemporaryfamilies.org](http://www.contemporaryfamilies.org)

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