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A Look at Scandinavia with an Eye on New Jersey

SAME-SEX "MARRIAGE" LAWSUIT IN NJ

Marriage has been under attack in New Jersey since June 2002, when Lambda Legal Defense Fund (a national homosexual rights group) filed a lawsuit against the state on behalf of seven homosexual couples who were denied marriage licenses. Lambda argues that denying same-sex couples the benefits of marriage violates their constitutional right to equal protection. State Attorney General Peter C. Harvey stated that the couples suing the state were not seeking "equal access to marriage, but a *fundamental change in the meaning of marriage itself*," and "the power to define marriage rests with the Legislature."

The case, *Lewis v. Harris*, was heard on Dec. 7, 2004, in the New Jersey Superior Court, Appellate Division. Judges Stephen Skillman, Donald G. Colleser and Anthony J. Parillo heard arguments but reserved decision.

David Buckel of Lambda Legal argued that the state's refusal to allow same-sex couples to marry "relegates them to second class citizenship," and should be overturned just as racial segregation was struck down in an earlier era. Assistant Attorney General Patrick DeAlmeida asserted that while racial equality is guaranteed by state and federal constitutions, "nothing in American law" gives homosexuals the right to marry except for last year's ruling by a Massachusetts court.

"Marriage has always been the union of people of different genders," DeAlmeida declared, and noted that 11 states recently voted to amend their constitutions to preserve marriage between one man and one woman only. If that definition were to be abandoned, there would be "no principled legal way" to prohibit polygamy, he cautioned. Lastly, he argued that "the elected branches" — the Legislature and the governor — must institute any changes. As of this printing, the three-judge panel had not rendered a decision.

ABSTRACT: This report focuses on Norway, Sweden and Denmark where same-sex "marriage" is legal. It examines data on cohabitation, out-of-wedlock births and other factors indicating that family structure has been profoundly weakened in those countries. In light of the Scandinavian experience, it is clear that if New Jersey follows that path the social and economic consequences will be grave and most likely irreversible.

What do Scandinavia and New Jersey have in common? At first blush, seemingly not much at all. But in the discussion of same sex "marriage," these disparate locales find themselves on the same page, literally.

In their book, *The Homosexual Agenda*, Alan Sears and Craig Osten devote an entire section to New Jersey. Why? Because in the figurative Jenga® block-stacking game that the homosexual community is playing, New Jersey's block is loose. It's not completely free, but loose. Some blocks in our country haven't budged ... yet, but Scandinavia's blocks — Denmark, Norway and Sweden — are long gone. Of course, the game doesn't require *all* the blocks to come out; just enough to make the whole structure teeter and eventually come crashing down.

Homosexual activists have sued for marital rights in New Jersey and the appellate division of the Superior Court of New Jersey heard arguments in the case (*Lewis v. Harris*) in December 2004. Many on both sides of this issue are keeping an eye on New Jersey to see what will happen next.

So what does Scandinavia have to do with all this? Someone once said, "If I can't be a good example, let me be a horrible warning." Scandinavia is our horrible warning.

Been There, Done That

Human civilization is built from the bottom up, not the top down. The first brick of the foundation is individual human life, and the second brick is the family.¹ The Scandinavian countries have been experimenting with family structure for many years, and the results are quite disturbing. Do we really need to conduct our own experiments here in New Jersey? The purpose of this research report is to look at the hard data and let it speak clearly for itself.

[Homosexual activists]
do not necessarily
want marriage so they
can take advantage of
its benefits. They want
marriage so they can
take a wrecking ball to
the institution itself.

—Alan Sears and Craig Osten,
The Homosexual Agenda
(Nashville, Tenn.: Broadman and
Holman Publishers, 2003), p. 96.

The trend of extending the legal rights and benefits of marriage to homosexual couples began in Denmark in 1989.² Norway followed in 1993 and Sweden in 1994. These arrangements are referred to as “de facto gay marriage,”³ and the resulting 10 to 15 years of data is instructive.

Marriage is now becoming obsolete in these countries, concluded Stanley Kurtz in a 2004 article, “The End of Marriage in Scandinavia.”⁴ His painstaking research makes the case that Scandinavia has run our experiment for us and the results are in:

- A majority of children in Sweden and Norway are born out of wedlock.
- 60 percent of first-born children in Denmark have unmarried parents.
- Sweden had the lowest marriage rate in recorded history in 1997. Currently, Swedes marry less and bear more children out of wedlock than any other industrialized nation.
- Divorce rates have become unreliable measures of family dissolution because fewer people are getting married.
- Rising rates of cohabitation and out-of-wedlock births now stand as the proxy for rising rates of family dissolution.

In the ten years from 1990 to 2000, Norway’s out-of-wedlock birth rate went from 39 percent to 50 percent. Sweden’s went from 47 percent to 55 percent.⁵ Most of the children in these countries are now born out of wedlock. People are not just delaying marriage; they are not bothering to get married. The traditional family is simply disappearing.

Separation Anxiety

What do these facts have to do with same-sex “marriage”? Quite a bit, as it turns out. Advocates of same sex “marriage” claim that by giving gays the “freedom” to marry, the institution of marriage is strengthened. Not so, says Kurtz. The crux of the decline of marriage in Scandinavia — and the increasing separation between marriage and parenthood — can be directly linked to same-sex “marriage.”⁶

The separation of marriage from parenthood is at the root of the same-sex “marriage” argument and at the root of ills brought about by the “evolution” of less traditional forms of marriage. “Homosexual marriage has contributed to the dissolution of marriage as a significant institution in Scandinavian culture, primarily by contributing to the notion that marriage need have nothing to do with having children.”⁷

The vast majority of social science research shows that marriage is uniquely important to children. In fact, a key barometer of the health of the family for any nation is the proportion of children

who reach early adulthood in an intact family.⁸ “Not only is an intact family foundational for a child’s individual happiness and well-being but also for the social and economic health of the nation’s next generation.”⁹

In the Nordic countries, the separation of marriage from parenthood was already increasing, and same-sex “marriage” has further widened the gap. Instead of *more* people in Scandinavian society marrying, same-sex “marriage” has only served to highlight the message that marriage is irrelevant and that any form of parenthood is acceptable.

Marriage rates for 2001 show declines in both Sweden and Denmark. Because many Scandinavians now raise children outside of marriage, even divorce rates are unreliable measures of the weakness of marriage and family.

*Throughout Scandinavia, cohabiting couples with children break up at two to three times the rate of married parents.*¹⁰ Sadly, the ones who suffer most in all this chaos are the children. For all the talk of discrimination against gays, a recent publication concludes that same-sex “marriage” discriminates against children, essentially placing children’s rights secondary to the rights of adults.¹¹

In the Zone

Scandinavia has long been a “bellwether of family change.”¹² Academics look to the Nordic region because what happens there tends to spread to other countries. While the reasons for this are many, they involve cultural, ideological, economic and religious aspects. “Sweden is probably the most secular country in the world. Scholars have long suggested that the relatively thin Christianization of the Nordic countries explains a great deal about why the decline of marriage in Scandinavia is a decade ahead of the rest of the West.”¹³

While the decline of marriage and the rise of cohabitation and out-of-wedlock births are not confined to Scandinavia, those countries do, however, create a distinct and recognizable pattern that can be studied and linked to discrete factors such as the introduction of same-sex “marriage.” The pattern spreads, but it seems to spread unevenly. Why? Religion, it appears, is a key variable. A 2002 study found that in countries with high levels of family dissolution, religion had little influence.¹⁴ Religion’s influence has a positive effect on holding back the tide of family disintegration.

British demographer Kathleen Kiernan, the acknowledged authority on the spread of cohabitation and out-of-wedlock births across Europe, divides the continent into three zones. The Nordic countries are the leaders in cohabitation and out-of-wedlock births. They are followed by a middle group that includes the Netherlands, Belgium, Great Britain and Germany. Until recently, France was a member of this middle group, but France’s



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rising out-of-wedlock birth rate has moved it into the Nordic category.

North American rates of cohabitation and out-of-wedlock births put the United States and Canada into this middle group. Most resistant to cohabitation, family dissolution and out-of-wedlock births are the southern European countries of Spain, Portugal, Italy and Greece, and until recently, Switzerland and Ireland. (Ireland's rising out-of-wedlock birth rate has just pushed it into the middle group.)¹⁵

Kiernan's three zones are crucial to our understanding of where this is headed because they closely track the homosexual movement toward same-sex "marriage." Nearly every country in the middle group has recently either legalized some form of gay marriage or is seriously considering it. Only in the group with low out-of-wedlock birth rates has the gay marriage movement achieved relatively little success.¹⁶

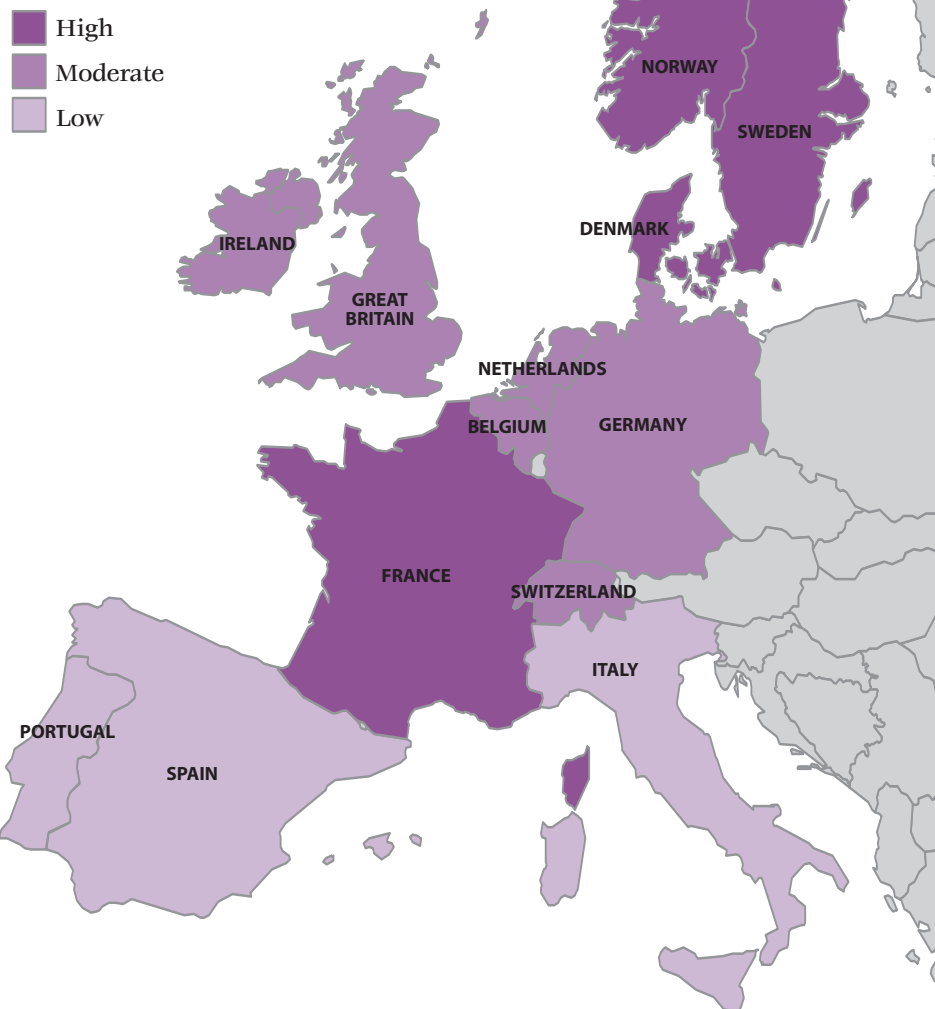
Cause or Effect — or Both?

Is same-sex "marriage" the cause of the growing chasm between marriage and parenthood, or is it an effect? It seems to be both. Kurtz explains: "As rising out-of-wedlock birth rates disassociate heterosexual marriage from parenting, gay marriage becomes conceivable. If marriage is only about a relationship between two people, and is not intrinsically connected to parenthood, why shouldn't same-sex couples be allowed to marry? It follows that once marriage is redefined to accommodate same-sex couples, that change cannot help but lock in and reinforce the very cultural separation between marriage and parenthood that makes gay marriage conceivable to begin with."¹⁷

Since the U.S. is already in the middle group, we should take note of Norway's experience. Traditionally the most conservative of the Scandinavian countries, most Norwegians were not in favor of same-sex "marriage." Nevertheless, judges and lawmakers forced it on them.

The state Lutheran church stepped into the fray and opposed same-sex "marriage," cohabitation and bearing children out of wedlock. The media ridiculed Christian teaching about sexuality and marriage with the result that the church's traditionally strong influence on Norwegian society declined.¹⁸ Norway's out-of-wedlock birth rate has now bypassed even Denmark's. Norway's experience should serve as a warning and an exhortation to our state's clergy and their congregations.

European Rates of Cohabitation and Out-of-Wedlock Births



Love and Marriage?

For all the fuss over homosexuals' "right" to marry, one would think that homosexuals would be coming to the altar in droves. The facts would indicate otherwise, and serve to eliminate one of the many smokescreens put up by gay activists.

In Sweden the number of registered same-sex unions is reported to be only about 1,500 (3,000 individuals). Using census estimates, the homosexual population is around 140,000. Thus, only about 2 percent of Swedish gays and lesbians have entered into registered unions; i.e., 98 percent of Swedish homosexuals have chosen *not* to register.¹⁹

Same-sex "marriage" has not brought more marriage; it has brought the destruction of marriage. A Norwegian sociologist suggests that the low number of registered gay couples might be understood as a "col-

lective protest against the expectations (presumably monogamy) embodied in marriage."²⁰

Gay activists in Scandinavia, having met all of their goals, now candidly admit that the case for homosexual "marriage" — particularly their argument that allowing gays to marry encourages a monogamous lifestyle — was only a tactical argument. The point all along, apparently, was not marriage but social approval for homosexuality. Having accomplished that, there is now "little social approval for marriage."²¹

Toothpaste Out of the Tube...

Sweden holds the dubious distinction of being the world leader in family dissolution. Because of this, British demographer Kiernan uses a four-stage model to gauge a coun-

A Taxing Debate

Who needs marriage if the welfare state is always there to protect you, for richer, for poorer, in sickness and in health? The enormous Swedish welfare state has largely replaced the family as provider. No Western economy has a higher percentage of public employees, public expenditures or higher tax rates than Sweden. By guaranteeing every citizen a job and income, each individual is on his or her own, without need of anyone else but the state.

The taxes needed to support this system have had a massive impact on the family. Women have no choice but to work, thus necessitating a day-care system that takes on a large role in raising nearly all Swedish children over age one.*

New Jersey is already dealing with soaring property taxes. Do we really want to go down the road of the Swedish welfare state? If the homosexual community has its way on these issues, hold onto your wallet!

*Stanley Kurtz, "The End of Marriage in Scandinavia: The 'Conservative Case' for Same-Sex Marriage Collapses," *The Weekly Standard*, Feb. 2, 2004.

try's movement toward Swedish levels of out-of-wedlock births.²²

In stage one (Italy), cohabitation is seen as a deviant practice, and the vast majority of the population produces children within marriage. In the second stage (America), cohabitation serves as a testing period before marriage, and is generally a childless phase. In stage three, cohabitation becomes increasingly acceptable and parenting is no longer automatically associated with marriage. Norway was at this stage, but has now entered stage four. In the fourth stage (Sweden and Denmark) marriage and cohabitation become practically indistinguishable, with most children born and raised outside of marriage.

While these "stages may vary in duration, once a country has reached a stage, return to an earlier phase is unlikely."²³ The sobering conclusion reached by all the

authors, academics and researchers cited herein is that whether New Jersey is at stage two or stage three of this process, it will likely be impossible to ever go back to stage one.

Kurtz cautions, "Although cohabiting parenthood is growing in America, levels here are still far short of those in Europe. America's situation is not unlike Norway's in the early '90s, with religiosity relatively strong, the out-of-wedlock birth rate still relatively low (yet rising) and the public opposed to gay marriage. If, as in Norway, gay marriage was imposed by a socially liberal cultural elite, it would likely speed us on the way toward the classic Nordic pattern of less frequent marriage, more frequent out-of-wedlock births, and skyrocketing family dissolution.

"In the American context, this would be a disaster. Beyond raising rates of middle-class family dissolution, a further separation

of marriage from parenthood would reverse the healthy turn away from single parenting that we have seen with welfare reform. Cross-class family decline would bring intense pressure for a new expansion of the American welfare state."²⁴

Our Families: No Further Testing Necessary

Advocates of same-sex "marriage" want to test the concept in a few states. Our American sense of giving everyone a fair shake seems drawn to this approach.

"The implication is that should the experiment go bad, we can call it off." No, we can't. The effects of such a test would be "neither containable nor revocable."²⁵ Look at the data from Norway, Sweden and Denmark. By the time we are able to judge the effects of the gay marriage experiment it will be much, much too late.

New Jersey does not need to experiment with same-sex "marriage." Several countries, let alone states, have already run the experiment. We know where it will lead, and once there, we will not be able to reverse the trend or escape the sobering economic and social consequences.

In New Jersey we have responded to same-sex "marriage" proponents by providing benefits through a domestic partnership law. We need not redefine marriage from the civil construct that has stood the test of thousands of years: one man and one woman as the foundation of the family and the cornerstone of civilization.

Jenga®, anyone?

ENDNOTES

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4 *Ibid.*

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7 Gene Edward Veith, "The Nordic Track," *World*, Mar. 6, 2004.

8 Patrick Fagan and Grace Smith, "The Transatlantic Divide on Marriage: Dutch Data and the U.S. Debate on Same-Sex Unions," The Heritage Foundation, Sept. 29, 2004 (www.heritage.org/Research/Family/wm577.cfm).

9 *Ibid.*

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11 Daniel Cere and Douglas Farrow, *Divorcing Marriage: Unveiling the Dangers in Canada's New Social Experiment* (Montreal: McGill-Queen's University Press, 2004), p. 63, citing Margaret Somerville.

12 *Ibid.*

13 *Ibid.*

14 Kurtz, "The End of Marriage in Scandinavia: The 'Conservative Case' for Same-Sex Marriage Collapses," citing a 2002 study by Max Planck Institute.

15 Kathleen Kiernan, "Cohabitation and Divorce across Nations and Generations," London School of Economics (March 2003). Kiernan is a professor of Social Policy and Demography.

16 *Ibid.*

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18 Veith, "The Nordic Track."

19 Timothy J. Dailey, Ph.D., "Comparing the Lifestyles of Homosexual Couples to Married Couples," Family Research Council, 2005 (www.frc.org).

20 Kurtz, "The End of Marriage in Scandinavia: The 'Conservative Case' for Same-Sex Marriage Collapses," citing Rune Halvorsen.

21 *Ibid.*

22 *Ibid.*

23 *Ibid.*

24 *Ibid.*

25 *Ibid.*

ABOUT US:

Organized in 1995, the New Jersey Family Policy Council is a nonpartisan, nonprofit research and education organization. Our goal is to serve as a voice for families and traditional family values in the public policy arena. We are supported solely by private contributions which are tax deductible as provided by law. Our mailing address is P.O. Box 6011, Parsippany, NJ 07054. Phone: (973) 263-5258. Fax: (973) 263-3772. **Family Findings** is a publication of the New Jersey Family Policy Council and is intended to communicate research findings and perspectives on public policy issues that affect the family. Nothing written here should be construed as an attempt to aid or hinder the passage of any bill before Congress or the New Jersey General Assembly. Printed February 2005.