

### Does The Adoption Of Genderless Marriage Lead To More Abortions?

Among the six European nations that first allowed same-sex marriage—either overtly or indirectly—there appears to have been a substantial increase in abortion. Those six nations are listed in the following chart, which shows the years in which each nation either redefined marriage in genderless terms or adopted a genderless civil union or registered partnership regime that offered virtually all the incidents of marriage, including full adoption rights, to same-sex couples:<sup>1</sup>

#### Comparison of Abortion Percentages and Ratios In European Union Nations Adopting Same-Sex Marriage (Or Practical Equivalents) Before 2006<sup>2</sup>

Nation	Year adopted SSM or equivalent	Abortion % in prior year	Abortion % 2011	Percent change	Abortion ratio in prior year	Abortion ratio 2011	Percent change
Norway	1993 (2009) <sup>3</sup>	20.1	20.3	1.0%	252.1	254.8	1.1%
Sweden	1995 (2009)	22.4	25.2	12.5%	287.9	333.7	15.9%
Iceland	1996 (2010)	15.9	17.8	11.9%	188.6	215.7	14.4%
Netherlands	1998 (2001)	10.5	13.4	27.6%	116.7	154.5	37.8%
Belgium	2003	12.4	13.4	8.0%	133.0	154.8	16.4%
Spain	2005	15.8	18.8	19.0%	187.6	231.2	24.2%
Average				13.3%			18.3%
Increases							

As the chart shows, since the adoption of same-sex marriage all but one of these six nations saw a substantial increase in both the abortion percentage—defined as the percentage of pregnancies ending in abortion—and the abortion ratio—the number of abortions per 1000 live births.

Spain's progression is especially remarkable: Over the 2004-2011 period, it saw an increase of 19 percent in its abortion percentage and 24.2 percent in its abortion ratio. The average change

<sup>1</sup> Denmark adopted a registered partnership arrangement for same-sex couples in 1989. But as to adoption and other significant matters, and unlike the arrangements in Norway and Sweden, Denmark's registered partnership arrangement did not give same-sex couples the same rights as married couples. That did not occur until Denmark enacted its genderless marriage law in 2012.

<sup>2</sup> Source: Wm. Robert Johnston, Abortion Statistics and Other Data, last updated 14 April 2014, [www.johnstonsarchive.net](http://www.johnstonsarchive.net).

<sup>3</sup> For Norway, Sweden, Iceland and the Netherlands, the year in parentheses is the year in which marriage was *formally* redefined in genderless terms, after having been effectively redefined previously because of a marriage-equivalent civil union or registered partnership regime—including full adoption rights for same-sex couples.

in the abortion percentage for the entire group was 11.3 percent, while the average change in the abortion ratio was 17.9 percent.

These changes, moreover, stand in sharp contrast to overall trends in the developed world. According to a 2012 joint study by the Guttmacher Institute and the World Health Organization, overall abortion rates (the number of abortions per 1000 women of child-bearing age) in the developed world have consistently *declined* since 1995 (up to 2008, the last year analyzed by the study).<sup>4</sup> Specifically, in developed countries other than Eastern Europe (where abortion rates have been higher), between 1995 and 2008 the average abortion rate declined by about 15 percent. Abortion percentages and ratios have seen a similar decline.<sup>5</sup>

So why might the adoption of a genderless marriage regime lead to more abortions? There are at least two plausible reasons.

First, as a number of commentators have noted, the adoption of genderless marriage necessarily changes the public meaning or perception of marriage from an institution principally concerned with procreation and children to one that is principally concerned with the well-being of adults.<sup>6</sup> In most societies, marriage is the *only* social institution largely dedicated to children, and its high status stands as a constant reminder to society that the interests of children should take precedence over the interests of adults. But a society that redefines marriage to accommodate the romantic interests of a small subset of the adult population necessarily conveys to its members that adult interests can appropriately trump the interests of children. That message will tend to legitimize decisions by non-married as well as married citizens to place their own interests above the interests of their children – including their unborn children. And that, in turn, will tend to increase the abortion rate.

Second, as other commentators have noted, the adoption of a genderless marriage regime sends another, powerful message to men—especially young men—who self-identify as heterosexual. That regime creates a legal structure in which any two people of the same sex—generally two women—can easily form a family, conceive children (using artificial reproductive technology), parent them, and raise them to adulthood—all without any male involvement beyond a sperm donation. The adoption of that regime thus says to young heterosexual men, “Aside from access to your DNA, we as a society no longer really need you in order to form families and effectively parent the resulting children.”<sup>7</sup> Some young heterosexual men will inevitably take that message to heart and, as a result, lose interest in marriage—which will tend to produce declining marriage rates. But because these young men will *not* lose their ordinary

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<sup>4</sup> See Guttmacher Institute, “Facts on Induced Abortion Worldwide,” January 2012, available at [www.guttmacher.org/pubs/fb\\_IAW.html](http://www.guttmacher.org/pubs/fb_IAW.html).

<sup>5</sup> This paper focuses on abortion percentages and ratios because more recent data are available for those measures than for abortion rates. See Johnston, *supra*. However, in years for which abortion rates are available, those rates closely follow changes in abortion percentages and ratios. See *id.*

<sup>6</sup> See, e.g., Girgis, Anderson, & George, *What is Marriage? Man and Woman: A Defense*, at 23-28 (2012).

<sup>7</sup> See, e.g., Alan Hawkins & Jason Carroll, *Beyond the Expansion Framework: How Same-Sex Marriage Changes the Institutional Meaning of Marriage and Heterosexual Men’s Conception of Marriage*, available at [http://www.law2.byu.edu/marriage\\_family/140709-clean%20Hawkins%20&%20Carroll%20SSM%20BYU%20JPL%20citations%20edit-clean%20\(1\).pdf](http://www.law2.byu.edu/marriage_family/140709-clean%20Hawkins%20&%20Carroll%20SSM%20BYU%20JPL%20citations%20edit-clean%20(1).pdf) (posted 140825).

interest in sex, the end result is likely to be a relative increase in the number of unmarried but pregnant women. And because unmarried pregnant women are much more likely than married pregnant women to obtain abortions,<sup>8</sup> a relative increase in the former will naturally lead to higher abortion rates.

Statistics for the six European nations discussed above, moreover, appear to confirm (with one exception) a reasonably strong correlation between the adoption of genderless marriage and declining marriage rates:

**Comparison of Marriage Rates In European Union Nations  
Adopting Same-Sex Marriage (Or Practical Equivalents) Before 2006<sup>9</sup>**

Nation	Year adopted SSM or equivalent	Marriage rate in prior year <sup>10</sup>	Marriage rate, 2010	Percent change
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Norway	1993 (2009)	5.3	4.8	-9.4%
Sweden	1995 (2009)	3.9	5.3	+35.9%
Iceland	1996 (2010)	5.6	4.9	-12.5%
Netherlands	1998 (2001)	5.4	4.5	-16.7%
Belgium	2003	3.9	3.9	0%
Spain	2005	5.1	3.6	-29.4%

Although marriage rates have generally declined in Europe during

this period—by around 6 percent<sup>11</sup>--the declines in four of these nations, the Netherlands at 16.7%, Spain at 29.4%, Norway at 9.4% and Iceland at 12.5%, exceeded the overall European decline. And that is consistent with the common-sense prediction that the adoption of genderless marriage leads some percentage of the heterosexual male population to lose interest in marriage altogether.

The data for Belgium, which saw no change, are also consistent with this prediction. That is because, all else being equal, the advent of officially sanctioned same-sex marriage could be expected to cause a small but temporary increase in *overall* marriage rates because of pent-up demand for marriage by same-sex couples. If that expectation is correct—as same-sex marriage

<sup>8</sup> See, e.g., National Center for Health Statistics, Data Brief No. 136 (December 2013), available at [www.cdc.gov/nchs/data/databriefs/db136.pdf](http://www.cdc.gov/nchs/data/databriefs/db136.pdf) (in the U.S., the abortion rate for unmarried women is “almost five times higher than for married women”).

<sup>9</sup> Sources: OECD Statistics on marriage rates for 2010 in OECD nations are available at [www.oecd.org/statistics](http://www.oecd.org/statistics); other marriage rates available from Eurostat at [epp.eurostat.ec.europa.eu/tgm](http://epp.eurostat.ec.europa.eu/tgm).

<sup>10</sup> The earliest year for which data are consistently available is 1998, so that year is used for nations that adopted same-sex-marriage-equivalent regimes before then.

<sup>11</sup> See *id.* (showing average decline for all 27 EU nations from 5.18 in 2000 to 4.87 in 2007, or approximately 6 percent over that period).

advocates claim—then it appears that marriages involving *heterosexual* men were also probably declining in Belgium at a faster clip than the overall decline in European marriage rates.

Finally, although Sweden saw a significant percentage increase in its marriage rate during this period, that change is probably the result of factors independent of that Nation’s decision to redefine marriage in genderless terms. For many decades, Sweden has had a strong tradition of long-term cohabitation arrangements that are, both legally and culturally, the virtual equivalent of marriage<sup>12</sup>--a tradition that has resulted in relatively low rates of *formal* marriage as well as very high rates of out-of-wedlock births.<sup>13</sup> Thus, although the adoption of same-sex marriage in Sweden appears to have been closely associated with increased abortion rates, for Sweden that result appears to have been driven by factors other than a declining interest in marriage by heterosexuals.

Still, other than Sweden, marriage rates among heterosexuals appear to have declined more rapidly than one would expect in the other five European nations that were “early movers” in enacting same-sex marriage or its functional equivalent. That strong correlation is unlikely to be a mere coincidence. And, as we have seen, that decline in marriage rates is also highly correlated with an increase in abortions.

In sum, there are at least two plausible pathways by which the adoption of a genderless marriage regime could lead to more abortions. And available statistics suggest that one or both of those pathways may well have led to increased abortion rates in all six of the European nations that first embraced that regime.

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<sup>12</sup> See, e.g., David Bartal, “Love & Marriage: Scandinavian Style, *Nordic Reach* (2008).

<sup>13</sup> See, e.g., European Commission, Eurostat Marriage and Divorce Statistics, October 2012 (showing very low marriage rates and high rates of out-of-wedlock births going back to 1960).