

Testimony in Support of HB1231: Family Law – Authorization for a Minor to Marry
Maryland House Judiciary Committee
February 19, 2020

Chair Del. Luke Clippinger & Vice Chair Del. Vanessa Atterbeary and Distinguished Committee Members:

My name is Nicholas Syrett and I am a historian of gender and sexuality teaching at the University of Kansas where I am the chair of the Women, Gender, and Sexuality Studies Department. My most recent book was a history of child marriage in the United States: *American Child Bride: A History of Minors and Marriage in the United States*. I write to urge you to support HB1231, which would bar minors below the age of eighteen from marrying in the state of Maryland and allow only previously emancipated seventeen-year-old minors to marry. The bill makes sense for a number of reasons, the most glaring of which is that Maryland law currently sanctions marriage as a “solution” to statutory rape if that rape results in a pregnancy. Between 2000 and 2016, fifty-five children age fifteen or younger took advantage of the pregnancy exception to Maryland’s marriage-age statute and were married to a man twenty-one or older, meaning that these girls were married to men who had committed statutory rape and impregnated them. The current bill also only allows seventeen-year-olds to marry men within four years of their own age, which should go some way toward ensuring that girls are not coerced into marrying older men aimed on sexually exploiting them.

We know that those who marry below the age of eighteen, even without beginning their relationships in statutory rape, are far more likely to divorce than those who marry later in life. 70 to 80 percent of marriages below the age of eighteen end in divorce. This trend has been true since social scientists began to track age of marriage and correlate it to divorce rates in the early twentieth century. What this means is that the very thing that granting a marriage license to a minor is supposed to do—make a stable home—it does not actually do.

We also know that girls—the overwhelming majority of minor spouses—who marry below the age of eighteen are far less likely to graduate high school than those who marry later; are more likely to suffer abuse, both mental and physical, by their husbands; and are also more likely to suffer from mental health problems, many as a result of their early marriages. Further, married minors, because they are still children in the eyes of the law, do not have the same legal rights that adults have, meaning that if they desire to leave abusive relationships, they are often unable to initiate divorce proceedings in their own name, check into a shelter, or leave their homes.

The exceptions that are built into Maryland’s current marriage statute date from a time when the stigma against illegitimacy was so punishing that Maryland’s lawmakers were intent on making sure that children did not enter the world as “bastards,” their mothers shamed by giving birth out

of wedlock. While single motherhood is still difficult, to be sure, the legal consequences of illegitimacy, for the child, no longer exist as they once did. And the stigma against single mothers or children born out of wedlock have greatly diminished. We live in a world in which many women actively choose to have children outside of marriage. Allowing fifteen-year-old girls to marry their statutory rapists is “solving” a problem that no longer exists. No study has shown that these girl mothers would be better off marrying the men who took advantage of their youth in the first place, and all evidence indicates that whatever marriage they contract will likely leave the mother worse off than she would have been had she not married. Life as a single teenage mother will not be easy for her, but almost all the evidence we currently have indicates that her life actually will be *harder* if she is allowed to become someone’s wife.

Please vote in favor of HB1231, which recognizes that adults, or at least those already judged to be capable of living independent of their parents, are in the best position to decide if they are ready for the rights and responsibilities of marriage.

If you should have any questions about the history of child marriage in the United States that I can answer, feel free to contact me at syrett@ku.edu or (785) 864-2311.

Best regards,

A handwritten signature in black ink that reads "Nicholas L. Syrett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Nicholas L. Syrett, Ph.D.
Professor and Chair