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# Why can 12-year-olds still get married in the United States?

We preach against child-marriage abroad. But thousands of American children are wed annually.



By **Fraidy Reiss** February 10

Fraidy Reiss is founder and executive director of Unchained At Last, a nonprofit that helps women and girls escape arranged and forced marriages and works to end child marriage in the United States

Michelle DeMello walked into the clerk's office in Colorado thinking for sure someone would save her.

She was 16 and pregnant. Her Christian community in Green Mountain Falls was pressuring her family to marry her off to her 19-year-old boyfriend. She didn't think she had the right to say no to the marriage after the mess she felt she'd made. "I could be the example of the shining whore in town, or I could be what everybody wanted me to be at that moment and save my family a lot of honor," DeMello said. She assumed that the clerk would refuse to approve the marriage. The law wouldn't allow a minor to marry, right?

Wrong, as DeMello, now 42, learned.

While most states set 18 as the minimum marriage age, exceptions in every state allow children younger than 18 to marry, typically with parental consent or judicial approval. How much younger? Laws in 27 states do not specify an age below which a child cannot marry.

Unchained At Last, a nonprofit I founded to help women resist or escape forced marriage in the United States, spent the past year collecting marriage license data from 2000 to 2010, the most recent year for which most states were able to provide information. We learned that in 38 states, more than 167,000 children — almost all of them girls, some as young 12 — were married during that period, mostly to men 18 or older. Twelve states and the District of Columbia were unable to provide information on how many children had married there in that decade. Based on the correlation we identified between state population and child marriage, we estimated that the total number of children wed in America between 2000 and 2010 was nearly 248,000.

Despite these alarming numbers, and despite the documented consequences of early marriages, including negative effects on health and education and an increased likelihood of domestic violence, some state lawmakers have resisted passing legislation to end child marriage — because they wrongly fear that such measures might unlawfully stifle religious freedom or because they cling to the notion that marriage is the best solution for a teen pregnancy.

In this way, U.S. lawmakers are strongly at odds with U.S. foreign policy. The U.S. Global Strategy to Empower Adolescent Girls, released last year by the State Department, lists reducing child, early and forced marriage as a key goal. The strategy includes harsh words about marriage before 18, declaring it a “human rights abuse” that “produces devastating repercussions for a girl’s life, effectively ending her childhood” by forcing her “into adulthood and motherhood before she is physically and mentally mature.” The State Department pointed to the developing world, where 1 in 3 girls is married by age 18, and 1 in 9 is married by 15.

While the numbers at home are nowhere near that dire, they are alarming. Many of the children married between 2000 and 2010 were wed to adults significantly older than they were, the data shows. At least 31 percent were married to a spouse age 21 or older. (The actual number is probably higher, as some states did not provide spousal ages.) Some children were married at an age, or with a spousal age difference, that constitutes statutory rape under their state's laws. In Idaho, for example, someone 18 or older who has sex with a child under 16 can be charged with a felony and imprisoned for up to 25 years. Yet data from Idaho — which had the highest rate of child marriage of the states that provided data — shows that some 55 girls under 16 were married to men 18 or older between 2000 and 2010.

Many of the states that provided data included categories such as “14 and younger,” without specifying exactly how much younger some brides and grooms were. Thus, the 12-year-olds we found in Alaska, Louisiana and South Carolina's data might not have been the youngest children wed in America between 2000 and 2010. Also, the data we collected did not account for children wed in religious-only ceremonies or taken overseas to be married, situations that we at Unchained often see.

Most states did not provide identifying information about the children, but Unchained has seen child marriage in nearly every American culture and religion, including Christian, Jewish, Muslim and secular communities. We have seen it in families who have been in America for generations and immigrant families from all over the world. In my experience, parents who marry off their minor children often are motivated by cultural or religious traditions; a desire to control their child's behavior or sexuality; money (a bride price or dowry); or immigration-related reasons (for instance, when a child sponsors a foreign spouse). And, of course, many minors marry of their own volition — even though in most realms of life, our laws do not allow children to make such high-stakes adult decisions.

Parental control over her sexuality was why Sara Siddiqui, 36, was married at 15. Her father discovered that she had a boyfriend from a different

cultural background and told her she'd be "damned forever" if she lost her virginity outside of marriage, even though she was still a virgin. He arranged her Islamic wedding to a stranger, 13 years her senior, in less than one day; her civil marriage in Nevada followed when she was 16 and six months pregnant. "I couldn't even drive yet when I was handed over to this man," said Siddiqui, who was trapped in her marriage for 10 years. "I wasn't ready to take care of myself, and I was thrown into taking care of a husband and being a mother."

Minors such as Siddiqui can easily be forced into marriage or forced to stay in a marriage. Adults being pressured in this way have options, including access to domestic-violence shelters. But a child who leaves home is considered a runaway; the police try to return her to her family and could even charge our organization criminally if we were to get involved. Most domestic-violence shelters do not accept minors, and youth shelters typically notify parents that their children are there. Child-protective services are usually not a solution, either: Caseworkers point out that preventing legal marriages is not in their mandate.

Those fleeing a forced marriage often have complex legal needs, but for children, obtaining legal representation is extremely difficult. Even if they can afford to pay attorney's fees, contracts with children, including retainer agreements, generally can be voided by the child, making them undesirable clients to lawyers. Further, children typically are not allowed to file legal actions in their own names.

Regardless of whether the union was the child's or the parents' idea, marriage before 18 has catastrophic, lifelong effects on a girl, undermining her health, education and economic opportunities while increasing her risk of experiencing violence.

Women who marry at 18 or younger face a 23 percent higher risk of heart attack, diabetes, cancer and stroke than do women who marry between ages 19 and 25, partly because early marriage can lead to added stress and

forfeited education. Women who wed before 18 also are at increased risk of developing various psychiatric disorders, even when controlling for socio-demographic factors.

American girls who marry before 19 are 50 percent more likely than their unmarried peers to drop out of high school and four times less likely to graduate from college. A girl who marries young is 31 percentage points more likely to live in poverty when she is older, a striking figure that appears to be unrelated to preexisting differences in such girls. And, according to a global study, women who marry before 18 are three times more likely to be beaten by their spouses than women who wed at 21 or older.

Ending child marriage should be simple. Every state can pass the legislation I've helped write to eliminate exceptions that allow marriage before age 18 — or set the marriage age higher than 18, in states where the age of majority is higher. New Jersey is the closest state to doing this, with a bill advancing in the legislature that would end all marriage before 18. Massachusetts recently introduced a similar bill.

But when Virginia passed a bill last year to end child marriage, legislators added an exception for emancipated minors as young as 16, even though the devastating effects of marriage before 18 do not disappear when a girl is emancipated. Bills introduced last year in New York and Maryland languished and eventually died, though Maryland's was just reintroduced. Other states have not acted at all. "Some of my colleagues were stuck in an old-school way of thinking: A girl gets pregnant, she needs to get married," said Maryland Del. Vanessa Atterbeary, who introduced the bill to end child marriage in her state.

Only nine states still allow pregnancy exceptions to the marriage age, as such exceptions have been used to cover up rape and to force girls to marry their rapists. Consider Sherry Johnson of Florida, who said she was raped repeatedly as a child and was pregnant by 11, at which time her mother forced her to marry her 20-year-old rapist under Florida's pregnancy

exception in the 1970s.

Additionally, teenage mothers who marry and divorce are more likely to experience economic deprivation and instability than those who do not. If the father wants to co-parent, he can establish paternity and provide insurance and other benefits to the baby without getting married.

Legislators should remember that pregnant teenage girls are at increased risk of forced marriage. They need more protection, not less.

Nor does ending child marriage illegally infringe on religious rights. The Supreme Court has upheld laws that incidentally forbid an act required by religion, if the laws do not specifically target religious practice. Besides, most religions tend to describe marriage as an important union between two willing partners. That sounds nothing like child marriage, which is often forced and which has close to a 70 percent chance of ending in divorce.

“There was a concern that we would be offending certain cultures within our society,” said New York Assemblywoman Amy Paulin, who introduced an unsuccessful bill last year to end child marriage in her state. “So instead of seeing this as an abuse of young women, [some legislators] were seeing this as something we needed to protect for certain cultures.”

Betsy Layman, 37, shares Paulin’s goal. Layman was 27 when she escaped the marriage that had been arranged for her in her Orthodox Jewish community in New York when she was 17, to a man she had known for 45 minutes. Even after she fled with her three children, the repercussions of her marriage continued to plague her. She was a single mother with a high school equivalency certificate, no work experience and no money for child care. The temporary and part-time jobs she managed to get couldn’t cover the bills.

“I was on Section 8, Medicaid and food stamps,” Layman said. “There were times there just was not enough food for dinner.” When the electric company shut off her power for nonpayment, she would light candles around the

house and tell her children there was a blackout. Only when her youngest child reached school age was she able to find full-time employment and gain some stability.

“Legislators have the power to prevent what happened to me from happening to another 17-year-old girl,” Layman said. “I beg you to end child marriage.”

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