



Testimony in Support of HB 2422: Eliminating Marriage Before Age 18
Presented to Kansas House Federal and State Affairs Committee
March 26, 2021

Chair Barker 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 teach in the Women, Gender, and Sexuality Studies Department. My second book was a history of child marriage in the U.S.: *American Child Bride: A History of Minors and Marriage in the United States*, published in 2016. I write to urge you to support HB 2422, which would put an end to child marriage in the state of Kansas by eliminating the exceptions to Kansas's minimum marriageable age of eighteen. The bill makes sense for a number of reasons, the most glaring of which is that judges often grant permission to marry to girls who are underage and pregnant, often meaning that the men they will be marrying are their statutory rapists. Between 2000 and 2018, 3,028 children were married in the state of Kansas, the vast majority of these girls marrying adult men.

We know that those who marry below the age of eighteen 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 in to a shelter, or leave their homes.

The exceptions that are built into Kansas's current marriage statute date from a time when lawmakers were particularly worried about barring pregnant girls from marriage. The stigma against illegitimacy was so punishing that Kansas'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. 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.

Holding firm on one minimum marriageable age—eighteen—has the consequence of protecting those who are most vulnerable to being forced or coerced into marriage: children. You have within your power the ability to make Kansas a national leader in child protection, joining a growing number of states and territories that have eliminated child marriage in the past five years. Please vote in favor of HB 2422, which recognizes that adults, those above the age of eighteen, 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, appearing to read "Nicholas L. Syrett". The signature is written in a cursive style with a horizontal line extending to the right.

Nicholas L. Syrett, Ph.D.
Professor