Child Marriages in the American State Idaho
Social and Legal Perspectives

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# Table of Contents

1. **Abstract** .................................................................................................................. 3

2. **Introduction** Child/Teen Marriages – Historical Perspective .................................. 4

   2.1. Consequences of Child Marriage ........................................................................... 9
   2.2. Conflicting arguments pro and against child marriages in Idaho’s legislature .......... 8
   2.3. Contributive Factors .............................................................................................. 10
   2.3.1. Poverty .............................................................................................................. 10
   2.3.2. Religion and Culture ......................................................................................... 12
   2.4. Proposed Solutions ............................................................................................... 12
   2.5. Research Objective and Research Question ......................................................... 13

3. **Analysis** ................................................................................................................... 14

   3.1. Poverty ................................................................................................................... 15
   3.2. Religion .................................................................................................................. 20
   3.3. Living in Rural vs. Urban Areas ............................................................................ 24

4. **Discussion and Conclusion** ..................................................................................... 27

**Sources** ...................................................................................................................... 29

   Legislation and Public Materials ................................................................................. 29
   Literature ..................................................................................................................... 30
   Other Sources ............................................................................................................. 33
1 Abstract

Child and teen marriages represent an important and very complex social and legal issue; even though the majority of literature is focused on developing countries, child marriages are also practiced and legalized in wealthy and developed countries like the United States. The focus of this study is the American state Idaho that bore the record for the highest rate of child marriages in the United States between 2000 and 2010. Scientific data pointed to many detrimental effects of early marriage for children, primarily higher risk of being a victim of abuse, and remaining within cycle of poverty. On the other hand, there are religion-based arguments that favor parental and legal exceptions in deciding child marriages. In following to scientific criticism of child marriages, some American states had decided to raise legal age for marriage. Idaho had defied this trend and recently rejected the proposed bill aimed at restricting legal age for marriage to 16 year olds. The most common factors that were identified as contributive to child marriages included poverty, residing in rural areas, and religion. These factors led to conflicting perceptions regarding legal status of child marriages in Idaho and; therefore, demands further investigating. The aim of this thesis was to identify not only the consequences of child marriages, but also its main contributive factors - poverty, religion, and living in rural vs. urban areas. The main research question; therefore, sought answers to: “What socio-legal factors are most contributive to child marriages (poverty, religion, and living in urban vs. rural areas) and which one ought to be prioritized in any attempts to legally regulate this practice in Idaho? The answer to research question is hoped to bring social and legal changes that will benefit the children in the state of Idaho and else ware. This qualitative and comparative analysis revealed that religious conservatism, primarily among Evangelical Protestants and Mormons, had the most contributing effect on child marriages in Idaho, with poverty and living in rural areas being secondary factors. Individual cases may differ, and/or contradict these findings. More detailed research would be required to complement these findings. The methodology of this project involved qualitative and comparative analysis. The primary research sources included scientific research/data, government data/reports, and NGO’s reports. The answer to research question is hoped to bring social and legal changes that will, above all, benefit the children in the state of Idaho and else ware.
2 Introduction

2.1 Child/Teen Marriages – Historical Perspective

Child marriage denotes the recognized union (either formally or informally), where one or both partners are below the age of 18 (Glinski, Sexton & Meyers, 2015). According to the International Center for Research on Women (2018), child marriages are much more common among under-aged girls and are prevalent mostly in developing countries. As argued by ICRW, “marrying prematurely ends childhood for 41,000 girls around the world every day” (The Economic Impact, 2018). In 2010 the US Senate unanimously enacted the International Protecting Girls by Preventing Child Marriage Act of 2010; the intended objective was to protect young girls in developing countries by legally restricting child marriage (S. 987, 2010, as cited in Hamilton, 2012). The united effort of American lawmaker seemed ironic when one considers the fact that, “In 2010, more than 500,000 U.S. teens were married, divorced, separated, or widowed” (U.S Census 2010, as cited in Hamilton 2012). The intended bill failed to pass in the US House of Representatives and never became law (S. 987 2010, as cited in Hamilton, 2012).

Throughout human history the recognition of child marriages was relatively common; it was also socially, culturally, geographically, and legally diverse (James 1960, as cited in Hamilton 2012). In Ancient Greece teenage boys and girls were expected to marry and become parents while still in their teens (James 1960, as cited in Hamilton, 2012). Looking back into times of Roman Empire the legal age limit for consensual marriage was set during rule of Emperor Justinian - at fourteen for boys, and twelve for girls (Stone 1977, as cited in Hamilton, 2012). Following the collapse of the Roman Empire in 476 AD, during the time of so called Middle Ages (between 5th and 15 century), the family structuring in Europe was not regulated and was rather informal (Stone 1990, as cited in Hamilton 2012). The age limit for marriage was generally followed and was subjected to parental consent (Stone, 1990, as cited in Hamilton, 2012). Marriages were typically negotiated between the families with the primary characteristic being wealth, social status, and exchange of property; in selected cases agreements might have involved some form of material protection for the wife, in case of divorce or the death of her husband (Stone 1977, as cited in Hamilton, 2012). Those that had no material possessions could still marry by having consent and recognition of their
community (Stone 1977, as cited in Hamilton, 2012). The legal oversight of the institution of marriage was informal; it tended to co-existed with polygamous unions and concubinages, while divorces and marrying again was generally acceptable (Stone 1990, as cited in Hamilton, 2012). Stricter regulations regarding marriage came in the thirteenth century with implementation of the cannon law by the Roman Catholic Church; these laws regulated the age of consent at fourteen for boys and twelve for girls, as well as banned divorces, polygamy, incest, and adultery (Stone 1990, as cited in Hamilton, 2012). According to the cannon law, children outside the church-recognized marriage were considered illegitimate, and were not allowed to inherit their parents’ property (Stone 1990, as cited in Hamilton, 2012). The initial implementation of the cannon law in Europe was; however, slow and inconsistent thought the European continent (Stone 1990, as cited in Hamilton, 2012).

Although the cannon law recognized validity of past marriage rules that were based on “contractual” or “spousal” agreements, it had also diminished the role of parental/guardian consent (Stone 1990, as cited in Hamilton, 2012). Parental consent to marriage was the important factor in maintaining the continuance of the long-established social structure that was based on wealth and property ownership (Stone 1977, as cited in Hamilton 2012). After the Protestant Reformation (1517), the resentment felt by the dominant and wealthy class towards the dominance of the cannon law in approving marriages led to relinquishing the regulatory powers of marriage to the civil courts in Europe; the expectation was to re-establish the dominant role of parental/guardian consent in marriage of their children (Stone 1977, Hamilton, 2012). In England, the Parliament did not implement any major statutory changes to the existing marriage law (Stone 1990, as cited in Hamilton 2012). The 1275 Statute of Westminster; however, prohibited sexual relations with girls under twelve years old (or fourteen, depending on the source), while in 1576 this age limit was lowered to ten years old (Stone 1990, as cited in Hamilton, 2012). Following Reformation, the Church implemented more formalized ceremony of marriage that was presided by the priest (Stone 1990, as cited in Hamilton, 2012). The parental consent was required for any person marring before the age of twenty one (Stone 1990, as cited in Hamilton, 2012). The ecclesiastical courts that had the right to mitigate the legality of marriage were relatively lenient, and tended to approve any contractual marriages that failed to follow the pre-established guidelines (Stone 1990, as cited in Hamilton, 2012). As the seventeenth century approached, the civil common law courts generally required a Church approved wedding ceremony
(frequently preceded by “banns” - official public announcements), and/or Church marriage certificate, in order to validate the marriage and subsequent property/inheritance rights of the married couple (Stone 1977, as cited in Hamilton, 2012). Unofficial contract marriages were still being selectively recognized (Stone 1990, as cited in Hamilton, 2012). In order to prevent marriages that were being legally approved without parental approval in 1753 the English Parliament enacted the Marriage Act, the first statutory legislation in England and Wales that made an official Church-approved ceremony a requirement for the state approved legality of marriage (Stone 1977, as cited in Hamilton, 2012). The Marriage Act was implemented in 1754 and was known as Lord Hardwicke's Marriage Act, or under its official title, “An Act for the Better Preventing of Clandestine Marriage” (Stone 1990, as cited in Hamilton, as cited in 2012). Hardwicke’s Marriage Act effectively invalidated contract marriages as well as marriages of those under twenty one that did not receive parental approval (Stone 1977, as cited in Hamilton, 2012). The only legal authority to perform marriages in England since 1753 was Church of England, Quakers, and Jews (Stone 1990, as cited in Hamilton, 2012). The severe consequences of the Act of 1753 on the couples that married before twenty one and failed to obtain parental consent led to its amendment in 1822, and its final repeal in 1823 (Stone 1990, as cited in Hamilton, 2012). Minors that married before legal age of twenty one without parental approval were subjected to severe penalties (Stone 1990, as cited in Hamilton, 2012). The year of 1836 brought about a new Act for Marriages that regulated civil marriages in England and Walsh; it permitted legalization of marriages sanctioned by religions other than Church of England, Quakers and Jews (Stone 1990, as cited in Hamilton, 2012).

The newly founded United States of America (officially on July 04, 1776) retained English common law as the main overseer of marriage rules (Clark 1988, as cited in Hamilton, 2012). The legality of marriage and the minimum legal age for marriage in the United States were, and continue to be, regulated by individual states (Clark 1988, as cited in Hamilton, 2012). The common characteristic of English common law, and its subsequent American version, was a general presumption in favor of granting legality of marriage, even in cases when it did not formally conformed to its own rules (Clark 1988, as cited in Hamilton, 2012). The American version of the English common law formally maintained its objective of preventing any informal unions; however, in practice, noncompliance was common (Clark 1988, as cited
The right to decide early marriage was formally extended to children’s parents; however, even this regulation was frequently bypassed. American judiciary generally chose to circumvent marriage laws and to accept “irregular” or “contract” marriages of minors under the special category of “common-law marriages” (Grossberg 1985, as cited in Hamilton, 2012). All of the states accepted the limit of twenty one as a presumptive legal limit that did not require parental consent; at the same time they did not retract the presumptive marital consent law that allowed parental approval for marriage at the age of twelve for girls, and fourteen for boys (Grossberg 1985, as cited in Hamilton, 2012). This lack of clarity in the legal language provided state courts with avenues to circumvent the rules; marriages of individuals below the age of twenty one were frequently recognized with the only restriction being that they met the common law threshold of presumptive consent (Grossberg 1985 as cited in Hamilton, 2012).

In case of Idaho, the current state’s Statute 32-202 on “Person Who May Marry”, in regard to children under 16 years old, confirms the existence of a legal exemption for marriages of children under the age of sixteen years old - the Statute states that, “where the female is under the age of sixteen (16), or the male is under the age of sixteen (16), the license shall not issue except upon the consent in writing duly acknowledged or sworn to by the father, mother or guardian of such person if there be any such, and upon order of the court”(Idaho Statute 32-202, 1863). This evident lack of clear guidelines and presence of legal exceptions in Idaho’s Statute 32-202 allows for the continued acceptance of marriages of children (Idaho Statute 32-202, 1863).

This lack of enforcement and legal clarity was revealed in the data presented by the independent organization Frontline; it discovered that “Between 2000 and 2015, at least 207,459 minors were married in the United States” (Tsui, Nolan & Amico, 2017). The great majority – 87 percent were girls, while 13 percent were boys (Tsui, Nolan & Amico, 2017). Frontline further claimed that between 2000 and 2015 “Children as young as 12 were granted marriage licenses in Alaska, Louisiana and South Carolina” (Tsui, Nolan & Amico, 2017. The recent trend; however, showed the overall decline of child marriages in the United States (Tsui, Nolan & Amico, 2017) (Child Marriage, 2017). According to Frontline data that was gathered from 38 selected American states, “The number of people marrying before the age of 18 fell by about 61 percent between 2000 and 2010”; a drop from 23,582
in 2000 to 9,247 in 2010 (Tsui, Nolan & Amico, 2017). This drop in child marriages, however, coincided with a more general trend of fewer Americans getting married per capita, and preferring to wait “until their 20s or early 30s” (Tsui, Nolan & Amico, 2017). In addition, PEW Research Center argued that the rates of child marriages “differ greatly in different states” (McClendon & Sandstron, 2016). According to the advocacy group Unchained at Last, who based their research on the US Census data between 2000 and 2010, the state of Idaho had experienced between those years the highest rate of child marriages in the United States (Child Marriage – Shocking Statistics, 2017). The more recent, 2010 to 2014 study that was conducted by PEW Research Centre, took into consideration data from 2010-2014; these estimates showed that, during this time, the record number of child marriages in the U.S. was held by the U.S. southern states Texas and West Virginia, “where about seven of every 1,000 15- to 17-year-olds were married in 2014” (McClendon & Sandstron, 2016). PEW Research Center listed Idaho in their 2010-2014 study, as having the average number of child marriages” (McClendon & Sandstron, 2016).

2.2. Conflicting arguments pro and against child marriages in Idaho’s legislature

According to media reports, Idaho’s state legislature had recently rejected the proposal to raise the unconditional legal age to marry to 16 year olds (Brown, 2019, March 03). The opinion on the issue were divided; the media report quoted the Republican Melissa Wintrow, the author of the proposed bill to set the legal age to marry at 16 as oppose to 18, describing it as an attempt to “compromise” between two conflicting views on child marriage (Brown, 2019, March 03). Colin Nash, another Republican supporter of setting strict legal limit to child marriages, argued that, “When it’s legal for a 30-year-old to marry a 15-year-old that is not marriage because they are not equal partners” (Brown, 2019, March 03). According to the same media report, Nash had also claimed that child marriages represent an “institutionalized child abuse”, and that it is equal to “legitimized statutory rape” (Brown, 2019, March 03). On the opposite side Republican Christy Zito, who opposed the proposal to raise the legal age to marry to 16, argued that “If we pass this law, it will then become easier in the state of Idaho to obtain an abortion at 15-and-a-half years old than it will be to decide to form a family and create a family for a child that’s been conceived,” (Brown, 2019, March 03). The reference to religion-based argument was also indicated in the 2017 speech by Chris Christie, the governor of New Jersey, when opposing a
similar proposal to restrict child marriages in the state of New Jersey in 2017; according to the media report, Christie argued that, “An exclusion without exceptions would violate the cultures and traditions of some communities in New Jersey based on religious traditions” (Buncombe, 2017, May 14). Another Idaho Republican that opposed the proposed bill was Julianne Young; she questioned the validity of scientific evidence stating negative consequences of child marriages by pointing out that, “It is a decision that I believe should belong with families, and I believe parental consent, which is required in the law right now, should be sufficient” (Brown, 2019, March 03).

2.3 Consequences of child marriage

The overwhelming majority of available literature points to negative consequences of marrying before reaching the age of majority (Hamilton, 2012) (Tsui, Nolan & Amico, 2017) (Child Marriage, 2017). Most include revolving cycle of poverty and poor education, higher risk of abuse and early divorce, as well as negative health effect for girl brides (Ending child marriage, 2015). The organization UNICEF argued that all child marriages ought to be considered “forced marriages”; according to their statement, “Child marriage, or early marriage, is any marriage where at least one of the parties is under 18 years of age”, and forced marriage could be defined as the one, "in which one and/or both parties have not personally expressed their full and free consent to the union” (Ending child marriage, 2015). As children cannot “express full, free and informed consent”; therefore, as stated by UNICEF, all child marriages ought to be considered “forced unions” (Ending child marriage, 2015). The organization Girls Not Brides further argued that married girls “often feel disempowered”, and that they are, “deprived of their fundamental rights to health, education and safety” (“What is the impact of child marriages?” 2019). Girls Not Brides support UNICEF’s point of view by stating that, “Child brides are neither physically nor emotionally ready to become wives and mothers”, and, as a consequence, they “face more risks of experiencing dangerous complications in pregnancy and childbirth, contracting HIV/AIDS and suffering domestic violence” (“What is the impact of child marriages?”, 2019). Girls Not Brides followed some other sources (e.g. UNICEF) in stating that girls that marry early are at the greater risk of abuse, limited access to education, and high likelihood of living in poverty (“What is the impact of child marriages?”, 2019) (“Ending child marriage”, 2015). Another negative consequence of child marriage is higher divorce rate; according to
study by Wilkinson & Finkbeiner, “.... 48 percent of those who marry before the age of 18 are likely to divorce within 10 years, compared to 25 percent of those who marry after the age of 25” (Wilkinson & Finkbeiner, 2019). International Women's Health Coalition further supported the above arguments by claiming that, “Child marriage effectively ends a girl’s childhood, curtails her education, minimizes her economic opportunities, increases her risk of domestic violence, and puts her at risk for early, frequent, and very high-risk pregnancies” (“The facts on child marriage”, 2019). International Women's Health Coalition also argued that mothers under 15 years old are “… five times more likely to die in childbirth than women in their 20’”, also, “… are more likely to be poor and unhealthy”, and that children of under-aged mothers are, “60 percent more likely to die in the first year of life than those born to mothers older than 19” (“The facts on child marriage”, 2019).

On the other hand, there are arguments that support child marriages; they generally relate to cultural and religious reasons. Some studies point to early marriages as having “the value that can be quantified by the personal satisfaction and self-development it brings” (Cherlin, 2004). Jeremy Elliot Uecker’s study also pointed to some benefits of early marriages; according to author, “Young adults who are married are certainly doing no worse psychologically than other young adults, and in many cases they are doing much better” (Uecker, 2012). Author also points out that young married couples, ”are much more likely to be satisfied with their lives”, as well as being, “proud of themselves and think they are going about things the right way” (Uecker, 2012). The apparent reason for early marriage benefit, as indicated by Jeremy Elliot Uecker, originates partially “from the relationship stability early marriage provides, and perhaps the added benefits of being (re)immersed in a religious community” (Uecker, 2012).

### 2.4 Contributive factors

#### 2.4.1 Poverty

Literature referred to poverty as the most prevailing socio-economic factor that is contributive to the practice of child marriages and tended to rely on data from developing countries (Jain S. & Kurz, 2007) (Glinski, Sexton & Meyers, 2015) (Tsui, Nolan & Amico, 2017) (Child Marriage, 2017). The worldwide statistics confirm the fact that developing nations (mainly in parts of Africa, Asia, Latin America, and Oceania) are most exposed to factors that
are considered contributive to early marriages, primarily poverty, poor education, living in rural areas, as well as conservatism of religion and local customs (Tsui, Nolan & Amico, 2017) (Child Marriage, 2017). A number of the organizations and agencies like ICRW (International Center for the Research on Women), Girls-Not-Brides, and USAID had focused their attention primarily on the developing nations – the main areas where the issue of child marriages is most pervasive (Tsui, Nolan & Amico, 2017) (Child Marriage, 2017). However, despite common focus on developing nations, organization UNICEF pointed out that the practice of child marriages is not exclusive to the poorest states, and that, “the risks are just as real for child marriages in the U.S. as they are in developing countries” (“What is the impact of child marriages?”, 2019).

When comparing poverty within the United States, Idaho was listed, between 2000 and 2006, within the average rate of poverty (National Centre for Educational Statistics, 2007). In 2006 Idaho was listed by the U.S. Department of Education as having below average poverty rate of 9.8 percent, when compared to the US average of 12.5 percent (National Centre for Educational Statistics, 2007). The most recent US Census Bureau’s Supplemental Poverty Measure between 2016 and 2018 (which started in 2011 and includes government programs intended to help low-income families), placed Idaho in par with Nebraska in the sixth place among all American states (United States Census Bureau, 2018). The map below indicates a consistent average rate of poverty among children between 5 to 17 year’s old living in Idaho between 2007 and 2013.
2.4.2 Religion and culture

Religion and culture represents another most common factor that could be associated with child marriages (Hamilton, 2012). There are number of reviews that indicated the link between child marriages and faith, culture, and traditions as a form of desire to maintain/adjust to social norms (Parsons, Edmeades, Kes, et al., 2015). Lack of economic means can make young people even more vulnerable to external pressure (e.g. from parents or caretakers). When discussing effect of religion on child marriages, as in case of poverty, the majority of the available literature was focused on the developing nations (Jain S. & Kurz, 2007) (Glinski, Sexton & Meyers, 2015) (Tsui, Nolan & Amico, 2017) (Child Marriage, 2017). Idaho was referred to in a 2008 study by Pew Research Center that concluded, “that Christianity was the predominant religion in Idaho, practiced by a whopping 81% of the state's population” (Religious believes in Idaho, 2018). The remaining 18 percent were atheists, with other religions like Buddhism, Islam, Judaism, and Hinduism, each composing of less than 0.5% of the population (Religious believes in Idaho, 2018). The similar study that was conducted in 2014 revealed a decrease of Christian population to 67 percent, while the remaining faiths grew to 27 percent (Religious believes in Idaho, 2018). Both 2008 and 2014 studies pointed to Evangelical Protestants as being the largest Christian group with 22 percent out of the total number of Christians in 2008, followed by a 1 percent decrease to 21 percent in 2014 (Religious believes in Idaho, 2018). Mainline Protestants remained at 16 percent in both 2008 and 2014 studies, while the Church of Jesus Christ of Latter-day Saints dropped from 23 to 19 percent out of the total number of Christians in Idaho (Religious believes in Idaho, 2018).

2.5 Proposed Solutions

The available literature overwhelmingly argued that child marriages were linked to negative consequences for young girls, and children in general, and that this practice needed
to be legally restricted (Parsons, Edmeades, Kes, et al., 2015). As claimed by UNICEF, “for the sake of protecting children from abuse and protecting their futures, every single U.S. state must take legislative steps to ban child marriage” (Ferguson, 2018). The organization Girls Not Brides called for ending child marriages while, at the same time, highlighted the complexity of this issue and the fact that it will require, “a long-term, sustainable efforts at all levels”, and that “adequate resources must be made available to support effective implementation of strategies” (A theory of change ..., 2014).

2.5. Research objective and research question

This project differs from many previous works by focusing on child marriages in the developed, as oppose to developing world; it examined the practice of child marriages in the American north-western state Idaho. This objective of this thesis was not only to identify the sources and consequences of child marriages in Idaho, but also to examine this practice from the historical progression, as well as continuous societal adjustments to ever-changing economic, religious, and legal environments. The review of the recent literature allowed for identification of some of the most common factors that were considered contributive to prevalence of child marriages - poverty, religion, and living in rural vs. urban areas. The available literature pointed to conflicting views of child marriages in Idaho – some condemned child marriages and favored disallowing the practice by making state law more restrictive, while others favored preservation of the traditional legal exceptions for child marriages. The recent rejection of the proposal to raise the legal age for marriage in Idaho to 16 year olds defied not only the scientific evidence, but also the growing popular condemnation of the practice.

The aim of this thesis was to identify the positive vs. negative consequences of child marriages in Idaho (with focus on under-aged girls) by examining, from historical and current perspective, the main contributive factors, like poverty, religion, and place of residence (urban vs. rural area). The main research question; therefore, sought answers to: “What social factors that are contributive to child marriages in Idaho (e.g. poverty, religion, and place of residence) should take priority in social and legal remedies intended to address this issue? The answer to research question is hoped to fill the gap in knowledge by examining
the main sources and consequences related to child marriages in Idaho; the analysis of this issue aims to promote legal changes that will protect children from any form of victimization and abuse. The methodology of this project was theoretical rather than empirical and involved qualitative and comparative analysis. The primary research sources included scientific research/data, government statistical data/reports, NGO’s reports and research (library and online searches). The complexity of this issue would benefit from further, and more in-depth study/analysis.

3. Analysis

Idaho is an American state whose legislature recently rejected the proposal to raise legal age for marriage to 16 year olds (Brown, 2019, March 03). Between years 2000 and 2010 Idaho was singled out by the organization Unchained at Last as having the highest rate of child marriages in the United States (Child Marriage – Shocking Statistics, 2017). Conflicting views regarding child marriages in Idaho still linger – on the one hand, there are arguments that condemn child marriages and call for more restrictive state laws, while on the other hand, there are religion-based arguments in favor of preserving the legal exceptions to child marriages (Brown, 2019, March 03). This evident reluctance to set a legal limit for child marriages is not exclusive to the state of Idaho, as this practice remains legal in nearly all the American states and many other democratic countries (Child Marriage – Shocking Statistics, 2017). The case of Idaho highlights the contradiction between critical scientific findings and religion-based factors that continue to sway some opinions in favor of upholding the practice (Brown, 2019, March 03). This analysis reviewed the historical cause-effect relationship of ever changing socio-legal factors impacting the practice of child marriages in Idaho; it looked behind some of the conflicting arguments in an effort to find solutions that would benefit children in Idaho and elsewhere.

In conducting analysis of causes and consequences of child marriages it is important to point out the complexity of its contributive factors. For example, a situation of girl living in a poor Indian or Bangladeshi village would certainly be different from a situation of a girl living in one of the developed cities of the American state Idaho. There is, undoubtedly, a great diversity of personal, family, social, legal, and/or economic forces that a young person has to confront when growing up, especially when being pressured to face a life changing decisions
like marriage. The historical overview allowed for a look back at forces that progressively shaped the concept of child marriages, and its relevance to today’s modern American state Idaho. As highlighted earlier, the practice of marrying at the very young age is not new; it goes far back into human history (Hamilton, 2012). Some of the most apparent forces in deciding child marriages were linked to economic status (e.g. poverty) and cultural/religious attachments (Hamilton, 2012). Young people could have, in some cases, resisted some of the above pressures and tried to follow their own choices. The historical overview had highlighted the dominance of parental controls, as well as contributing economic and religious factors in deciding child marriages; all were generally intended to preserve family fortunes, and/or reassure continuation of a certain traits of bloodline (e.g. within certain social class, like aristocracy or royalty) (Hamilton, 2012). As indicated by Hamilton (2012), “Laws regulating the marital age (...) have frequently advanced social interests altogether unrelated to the legal maturity of would-be marries” (Hamilton, 2012). The attempted effort to regulate the legal age for marriage, e.g. by the implementation of the cannon law in Europe since the 13th century, was frequently hampered by the social pressures aimed at maintaining the powers of parents to control over the marriage decisions of their children (Hamilton, 2012). Also, as pointed out by Hamilton (2012), “Marriage regulations have long established the age at which individuals may marry, although as long as such rules have existed, ineligible couples wishing to marry have nonetheless managed to skirt them”. The important changes came with the Protestant Reformation in 1517; at that time the dominant and wealthy class tried to exert its influence against the Church’s cannon law in order to regain the parental controls over marriages of their children (Hamilton, 2012). As its consequence, the regulatory powers of marriage were relinquished to civil courts in Europe, with the expectation to re-establish the dominant role of parental/guardian consent in deciding marriage of their children (Hamilton, 2012).

3.1. Poverty

International Center for Research on Women revealed that among developing nations “child marriage is intimately connected to poverty”, and that child marriage “is more common among the poorest people than the wealthiest” (Malhotra, 2010, July 15). It also pointed out that, “household economic status is a key factor in determining the timing of marriage for girls, along with education and urban-rural residence, with rural girls more
likely to marry young” (Malhotra, 2010, July 15). This study also concluded that girls that live in poverty are, “approximately twice as likely to marry before 18 as girls living in better-off households”, with the highest rates being, “in sub-Saharan Africa and South Asia as well as parts of Latin America and the Caribbean (ICRW 2006; NRC/IOM 2005, as cited by Malhotra 2010). UNICEF study found out, however, that child marriages are not only exclusive to the poorest states and that, “the risks are just as real for child marriages in the U.S. as they are in developing countries” (“What is the impact of child marriages?” 2019).

Does poverty affect the rate of child marriages in Idaho?

The brief analysis of 2017 IMF data revealed that United States, despite its high population of over 310 million people, maintained one of the highest, 10th spots among the wealthiest nations in the world, with the GDP (PPP) of $64,770 per capita (“GDP per capita, current prices”, 2017). On the other hand, there are the poorest countries, with the highest rates of child marriages, e.g. Niger at US$1,107, Mozambique at US$1,215, and Guinea with the annual per capita GDP of US$ 1,265 (“GDP per capita, current prices”, 2017). The above comparison revealed the dramatic difference between the United States, one of the wealthiest nations in the world on the one hand, and the poorest countries like Niger, Mozambique, or Guinea on the other. Although this data cannot exclude the possibility of some families or individuals living in the extreme poverty in Idaho; however, the relative perception of what is considered poverty may certainly differ when comparing the wealthiest and the poorest nations and its subsequent impact on child marriages. It would be rather extreme scenario to see an under-aged girl in Idaho being pressured/forced to marry someone simply as means to survive or avoid hunger, a scenario that is not uncommon in countries like Niger, Mozambique, or Guinea (Malhotra, 2010). For example, according to WFP (World Food Program) “more than 1.5 million people in Niger were affected by food insecurity in 2017”, and, “another 1.5 million are estimated to be chronically food insecure” (Niger, 2018). In total, as estimated by World Food Program), “nearly 20 percent of the population cannot meet their food needs” (Niger, 2018). The rates of child marriages are by far lesser in Idaho than those in Niger, however, despite the dramatic difference in wealth, they still take place.

Is there any correlating effects between prevalence of child marriages and poverty rates in Idaho, and in any other American states?

At the time when Idaho was listed by the advocacy group Unchained at Last as having the highest number of child marriages between 2000 – 2010, the data from the U.S. Census Bureau (as listed below) indicated, still within the same timeframe 2006 and 2010, that Idaho did not experience the above average poverty rate when compared to other states (Child Marriage – Shocking Statistics, 2017) (National Center for Educational Statistics, 2007). Also, as published by U.S. Department of Education, between 2004 and 2006 (the three year average), Idaho actually indicated a below average poverty rate of 9.8 percent (0.79), when compared to US average of 12.5 percent (0.12); this data actually placed Idaho, within this timeframe, safely above the poorest American states (National Centre for Educational Statistics, 2007).


<table>
<thead>
<tr>
<th>Year</th>
<th>1990</th>
<th>2000</th>
<th>2004-2006 (3 year average)</th>
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<tr>
<td>Idaho</td>
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<td>9.8</td>
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<td>US Average</td>
<td>13.1</td>
<td>12.4</td>
<td>12.5</td>
</tr>
</tbody>
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Based on the more recent statistics from 2010 to 2014 (maps below), the PEW Research Centre estimated that the record number of child marriages between those years was consecutively in Texas and West Virginia, “where about seven of every 1,000 15- to 17-year-olds were married in 2014” (McClendon & Sandstron, 2016). PEW listed Idaho in their 2010-2014 study as having the average number of child marriages (McClendon & Sandstron, 2016).

Map 3. Child marriage is more common in the southern United States. McClendon & Sandstron, 2016. PEW Research Centre

The above comparison revealed that higher poverty rates in the southern states coincided with high rates of child marriages. However, some states evidently defied that factor with most evident example being Wyoming that rated highest in wealth (lowest in poverty) while, at the same time, was listed as having one of the highest rate of child marriages. Another anomaly was North Dakota and South Dakota that had similar to Idaho poverty rating (below average), while having significantly lower ratio of child marriages.

The most recent US Census Bureau’s Supplemental Poverty Measure (2016 to 2018), (which started in 2011, and includes government programs intended to help low-income families), placed Idaho in par with Nebraska in the sixth place, among the wealthiest American states (Religious landscape study, 2019).

The above comparative analysis revealed that the highest rate of child marriages in Idaho between 2006 and 2010 did not clearly coincided with above average poverty rating, when compared to other American states. The results; therefore, bring doubt to link between poverty as a dominant contributive factor in prevalence of child marriage in Idaho. Even though there were some similarities between the higher rate of child marriages, and above
average poverty in the Southern states in 2010, there were also some significant exceptions
to this rule in some other states, e.g. in Wyoming (McClendon & Sandstron, 2016).

3.2. Religion and culture

Religion represented yet another major factor that is being linked to prevalence of child
marriages. The majority of the available literature focused on the developing nations and the
combined effect of religion and poverty on child marriages (Parsons, Edmeades, Kes, et al.,
2015).

Historical overview highlighted the crucial role of European-based Christianity and its
cannon law in shaping present marriage laws in Idaho, and other American states (Hamilton,
2012). Other religion, like Buddhism, Islam, Judaism, and Hinduism also played an important
role in defining and maintaining marital laws in the US and other countries (Hamilton, 2012).
As pointed out in the earlier overview, the Roman Catholic Church’s implementation of
cannon law was intended to regulate the age of consent at fourteen for boys and twelve for
girls, as well as banned divorces, polygamy, incest, and adultery (James 1960, as cited in
Hamilton, 2012). Confecting views over parental control over marriages of minors reflected
in Protestant Reformation in 1517; it eventually led to relinquishing the regulatory powers
of marriage to the civil courts in Europe with the expectation to re-establish the dominant
role of parental/guardian consent in marriage of their children (Hamilton, 2012). The issue of
parental/guardian vs. state and/or church legal controls over marriages of minors evidently
continue to dominate the current socio-legal conflict over the issue of raising legal age for
marriage in Idaho (Brown, 2019, March 03).

Jeremy Elliot Uecker (2012) examined the data from the National Longitudinal Study of
Adolescent Health in the US from the time of responders’ youth in 1994 to 1995, to their
adulthood in 2001-02. His study pointed out that people who marry early, “are typically
found in rural communities and in the Southern United States, and they tend to identify with
conservative religious traditions like conservative Protestantism and Mormonism” (Uecker,
2012). Author also argued that “culture in the case of involvement in a religious community,
can shape marriage timing by limiting the appeal of cohabitation, increasing marital desires
and expectations, and by reducing perceived conflict between marriage and higher
education” (Uecker, 2012). The high rate of child marriages in Idaho reveals similarities between high number of Evangelical Protestants and the Latter Day Saint movement of Restorationist Christianity (Mormons), when compared with other American states.

As indicated on the maps above, high concentration of Evangelical Christians and Mormons bears similarities with higher rates of child marriages, e.g. in case of Idaho and Texas. As indicated on the map below, religious conservatism seem to reflect not only in higher rates of child marriages, but also in overall woman’s equality in employment and earnings.

Religious-based arguments seemed to prevail in the recent rejection (in March of 2019) by the State Legislature of the bill intended to raise the legal age for marry to 16 year olds (Brown, 2019, March 03). The opinions over the issue were divided; the media reports quoted the Republican Melissa Wintrow, who proposed the bill to set the legal age to marry at 16 as oppose to 18, as calling it a “compromise” between two conflicting views on child marriage (Brown, 2019, March 03). Colin Nash, another Republican supporter of setting strict legal limit to child marriages, argued that, “When it’s legal for a 30-year-old to marry a 15-year-old that is not marriage because they are not equal partners” (Brown, 2019, March 03). According to the same media report, Nash had also claimed that child marriages represent an “institutionalized child abuse”, and that it is equal to “legitimized statutory rape” (Brown, 2019, March 03). On the opposite side Republican Christy Zito, who opposed the proposal to raise the legal age to marry to 16, argued that “If we pass this law, it will then become easier in the state of Idaho to obtain an abortion at 15-and-a-half years old
than it will be to decide to form a family and create a family for a child that’s been conceived,” (Brown, 2019, March 03). The reference to religion-based argument was indicated in the 2017 speech by Chris Christie, the governor of New Jersey, when opposing a similar proposal to restrict child marriages in the state of New Jersey in 2017; according to the media report, Christie argued that “An exclusion without exceptions would violate the cultures and traditions of some communities in New Jersey based on religious traditions” (Buncombe, 2017, May 14). Another Idaho Republican that opposed the proposed bill was Julianne Young; she questioned the validity of scientific evidence stating negative consequences of child marriages and pointed out that “It is a decision that I believe should belong with families, and I believe parental consent, which is required in the law right now, should be sufficient” (Brown, 2019, March 03). Another media report referred to recent rejection of a Senate Bill 48 aimed to prevent child marriage in Kentucky, a situation that bore similarity to the recent rejection of a comparable restriction in Idaho (Sweeny, 2018).

According to mentioned article, “Evangelical communities still push for child marriages between girls in their ‘middle teens’ and men in the mid-twenties or older” (Sweeny, 2018). Author revealed the conservatism of such religious attitudes by pointing out that, “According to these groups, younger girls make better spouses because they are blank slates and can be more easily ‘molded’ to serve their future husbands better” (Sweeny, 2018).

The above comparative analysis revealed similarities between prevalence of child marriages in Idaho and conservative religious attitudes among Evangelical Protestants and Mormons.

3.3. Living in rural vs. urban areas

Jeremy Elliot Uecker examined adolescent responders from the time of their youth in 1994 to 1995, to their adulthood in 2001-02; his study pointed out that people who marry early “are typically found in rural communities and in the Southern United States, and they tend to identify with conservative religious traditions like conservative Protestantism and Mormonism” (Uecker, 2012).

The maps above highlighted the rural vs. urban areas in the United States between 2008 and 2013 (National Center for Health Statistics 2008, 2013). Idaho stands out as rural-area-dominated state, pointing to some correlative effect of living outside of urban areas and prevalence of child marriages. There are, however, some significant exceptions; for example, North Dakota and South Dakota both fit the category of a rural state while having low rates of child marriages, while California, on the other hand, had a high rate of urban areas, while, at the same time, had an above average rates of child marriages. Despite some inconsistencies; however, there appears to be some merit to selected comparative similarities between residing in rural areas and prevalence of child marriages.

The above comparative analysis reviewed three factors linked to child marriages that were identified in the literature: poverty, religion, and residing in rural areas. The case of Idaho revealed the dominant correlative effect between adherence to Protestant Evangelical Christianity and Mormonism and prevalence of child marriages in Idaho. The contributive effect of poverty and living in rural appeared to have a secondary effect, and, evidently, not as prominent as in developing countries. It has to be pointed out; however, that individual cases may differ, and/or contradict these findings. More detailed research would be welcome and could offer more in-depth perspective on the issue of child marriages in Idaho.

4. Discussion and conclusion

In discussion of causes and consequences of child marriages in Idaho it becomes evident that no case of child marriage follows any specific pattern. There are; however, some characteristics that allow for certain categorization. For example, a young girl in a developing nation might be pressured into marriage primarily by the need “to survive” (e.g. hunger), while a girl in Idaho might be coerced into marrying someone due to religious/cultural conservatism, and/or pressure “to belong”, or “fit in” within a certain group or community. Also, there are different circumstances when considering a personal freedom of choice. For example, two consenting minors may decide to marry early out of their own will, as oppose to being coerced, or forced into marriage with an adult. Study done by organization Frontline between 2000 and 2015 (on 199,535 children in 39 US states and three counties) revealed that only 14 percent of minors married other minors, while the remaining 86
minors married adults (Child marriage in America, 2017). While proponents of child marriages might follow religious or cultural patterns, and/or freedom of choice; those who oppose child marriages might be focused on scientifically-proven negative consequences. The recent decision by the Idaho State Legislature allowed for continuation of legal exemptions and maintenance of traditional parental controls over marriages of minors (Brown, 2019, March 03). Julianne Young, one of the Idaho Republicans who opposed the proposed bill, dismissed scientific evidence behind negative consequences of child marriages and argued that “It is a decision that I believe should belong with families, and I believe parental consent, which is required in the law right now, should be sufficient” (Brown, 2019, March 03). Scientific evidence, however, is nearly unanimous in describing negative effects of child marriages (Hamilton, 2012) (Tsui, Nolan & Amico, 2017) (Child Marriage, 2017). Few developing counters enjoy the progressive rights, freedom, and opportunities as the United States; the Fifth and Fourteen Amendment to the United States Constitution claim “Laws of Nature and of Nature’s God entitle them”, and guarantees any person the right to “life, liberty, or property” without due process of law (The declaration of independence, 1776).

Should all child marriages, therefore, be legally regulated?

The most valid argument seemed to have come from UNICEF, who defined all child marriages as “forced marriages”. As any person below eighteen is not and adult, therefore, evidently, lacks maturity to make independent important life decisions. UNICEF defined forced marriage as practices, “in which one and/or both parties have not personally expressed their full and free consent to the union”; it further concluded that children cannot “express full, free and informed consent” (Ending child marriage, 2015). The organization Girls Not Brides shared UNICEF’s point of view by re-affirming the point that, “Child brides are neither physically nor emotionally ready to become wives and mothers” (“What is the impact of child marriages” 2019).

In conclusion, this project highlighted some of the social and legal complexities associated with child marriages. The focus of this study was the American Idaho that bore the record for the highest rate of child marriages in the United States between 2000 and 2010. While scientific evidence pointed to numerous detrimental effects of early marriage for children, Idaho’s legislature rejected the recently proposed bill aimed at restricting legal age for marriage to minimum of 16 year olds. This comparative analysis revealed that
prevalence of child marriages in Idaho was linked primarily to continued historic code of religious values that is still being followed by Evangelical Protestants and Mormons. Other factor like poverty and living in rural areas, that are frequently considered primary among developing nations, came secondary. Individual cases of child marriages in Idaho may differ, and/or contradict these findings. More detailed research would be required to complement these findings. The primary objective to this research was to bring social and legal changes that might benefit the children in the state Idaho and else ware. This project concluded that legal marriage with an under-aged persons (below the age of 18) should not be legally permitted in Idaho. The main concluding argument is the fact that child marriages violate human rights of minors who are not fully mature to make important life-changing decisions for themselves; neither their parents/caretakers, nor the state authority, should be permitted to deny any child the right to determine her, or his, future by making their fully conscious and mature decisions.

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Other Sources

Maps


Map 3. Child marriage is more common in the southern United States. McClendon & Sandstron, 2016. PEW Research Centre


Tables