

MARRIAGE IN THE UNITED STATES

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Marriage in the United States by Auguste Carlier & B. Joy Jeffries

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AUGUSTE CARLIER & B. JOY JEFFRIES

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IN THE
UNITED STATES,

BY AUGUSTE CARLIER,

AUTHOR OF "L'ÉCLAIRAGE DANS CES RAPPORTS AVEC L'UNION AMÉRI-
CAINE," AND "HISTOIRE DU PEUPLE AMÉRICAIN. ÉTATS-UNIS
ET DE SES RAPPORTS AVEC LES INDIENS DEPUIS LA
FONDATION DES COLONIES ANGLAISES
JUSQU'À LA RÉVOLUTION DE 1776."

TRANSLATED FROM THE FRENCH BY

B. JOY JEFFRIES, A.M., M.D.,

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Surgeon to the Massachusetts Charitable Eye and Ear Infirmary;
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1867.

TRANSLATOR'S PREFACE.

MR. CARLIER, the author of this book, travelled some time in this country, observing our manners and customs, and studying our institutions. Familiar with our language, and recognizing our peculiarities and prejudices, he was enabled to see a great deal of our life not generally or readily got at by foreigners. He has made himself master of our political, religious, and social history, as is proved by the books he has since written, namely, "Slavery in its Relations to the American Union," and "History of the American People: the United States and their Relations with the Indians, from the Foundation of the English Colonies up to the Revolution of 1776." He is now engaged in the preparation of a work on the *institutions* of the United States.

To us, New Englanders especially, that man must seem rather bold who dares attack De Tocqueville's statements and deductions in his "Democracy in America." Yet, if one will read carefully and weigh without prejudice what Mr. Carlier has written simply on the point of marriage alone, he must needs admit that De Tocqueville's views can only be reconciled with the truth, if it is granted that what he says of our country shall be considered as applying, in great part or alone, to New England. De Tocqueville said, "There is certainly no country in the world where the tie of marriage is so much respected as in

America, or where conjugal happiness is more highly or worthily appreciated. In Europe, almost all the disturbances of society arise from the irregularities of domestic life."

At present, this seems hardly true, even of New England. We must admit, therefore, the force of Mr. Carlier's reasoning, however unpleasant it may prove to our national pride. Objection may be made, that the author's statements are based upon newspaper authority. But the journals give official reports and statistics, and these, of course, correctly, whilst editorial remarks and criticism show how the popular wind is blowing. Newspapers, although they apparently form, yet really simply represent public opinion. If any one doubts Mr. Carlier's deductions in reference to divorce, etc., they need only do as I have done,—namely, cull from the various papers the official reports of the courts of law on these points,—and they will probably find, as I did, that the task was too unpleasant to be pursued.

Certainly the last six or seven years have not much remedied the defects and omissions in the laws on marriage and divorce. In some of the Western States, the laws of divorce render marriage temporary concubinage; and, in some of the Eastern States, greater privileges in regard to holding property are granted the married woman, to enable the husband to *set aside* in her name what really belongs to his creditors.

Except in one or two instances, I have refrained from comment upon Mr. Carlier's deductions, and not thought it necessary to correct inaccuracies arising from changes in our political condition caused by the rebellion. It is to be remembered that the author wrote his remarks on the relations of the white to the colored race seven years ago.

Although some time has elapsed since this book was published, there will be found a certain freshness in it, to be accounted for, I think, by the fact, that, as a mental reaction after our civil war, earnest spirits and active minds are again turning their thoughts towards the social questions beginning to be discussed previous to the rebellion. We can hardly take up a newspaper or journal, published during the last few months, without finding some paragraph touching upon these topics. Certainly, marriage and the social and legal relations of the sexes demand the best brains and the truest enthusiasm of reformers, tempered by the conservatism of New England, and enlightened by the truths of modern science. May not a hope be expressed, that these great questions will not be taken up and discussed for the purpose of small personal notoriety, or as a field for oratorical display, — much as, Mr. Carlier says, was the fate of that paramount question, the abolition of slavery?

But why, some friend will ask, put before people in bad English what was written in good French? I reply, Those familiar with French would never, perhaps, take the trouble to read the original, and may, like those unfamiliar with the language, be somewhat attracted by the idiom and crudeness of a translation. No one, I believe, can read this book and ponder its contents, without a feeling of concern for our present and foreboding for our future social relations. Let us, at any rate, remember that "opposition should excite attention and not anger."

B. JOY JEFFRIES, M.D.,

MARCH 1, 1867.

15 Chestnut St., Boston.

I append an extract from a letter of the author.

PARIS, Dec. 12, 1866.

CHER MONSIEUR, — Je ne vois rien pour le moment à ajouter à mon livre le *Mariage aux Etats-Unis*, donc vous avez fait la traduction. La publication presque immédiate rendait effectivement mon concours impossible, mais je vois avec plaisir que vous avez pu vous en passer, et qu'ainsi je ne serai cause d'aucun retard.

Je désire apprendre que votre travail obtient tout le succès qu'il mérite, surtout à raison de l'idée-mère qui a déterminé votre publication. C'est ainsi que par les efforts combinés des gens de cœur des deux côtés de l'Atlantique, on peut espérer venir en aide à la morale publique et aux réformes urgentes que réclame l'état de la société, malade partout, mais non incurable, du moins il faut l'espérer.

Je vous autorise à publier ce qui précède, si cela vous paraît utile. Recevez, cher monsieur, avec tous mes remerciements, l'assurance de mes sentiments empressés.

A. CARLIER,

6, Rue de Milan.

INTRODUCTION.

OF modern nations, the North Americans are perhaps the people most fortunately circumstanced and favorably situated to influence the future of the world. In whatever point of view we regard America, there is a vast and ever-increasing field of study for the philosopher, the historian, and the economist. We cannot look with indifference upon the progress of a nation whose population less than a century ago did not exceed three millions, and which will reach eighty millions at the close of this. An asylum precious to all unfortunates, a vast arena for every ambition, placed midway between Europe and Asia, this country is called to incalculable destinies,—all the more important, as under their guidance everything marches onward with lightning-like rapidity. The American people believe in a divine mission: the future will tell how they fulfil it.

Till now, politics, political economy, philosophy, and literature are the only aspects of American life which European, or I should rather say French, writers have more closely examined; for nothing among our neighbors approaches the works of MM. de Tocqueville, Michael Chevalier, and other talented authors, too numerous to mention. This sphere of human activity presents such extensive views, such momentous problems, that the mind takes delight in them, where it may roam without restraint. And yet these subjects of investigation are for the United

States almost wholly modern. They do not extend farther back than the Confederation, which gave such a strong nationality to the English colonies, till then isolated from each other and having nothing in common but the yoke which they shook off.

Two fundamental institutions, however, have not seemed to attract the same amount of attention, and yet their study is susceptible of an equal degree of development with the other subjects already investigated, and which, being the basis of all society, have as great, if not a superior, claim upon the meditation of the moralist, — I mean religion and the family. Treated at length, these subjects would lead to very extended investigation; but, if the examination does not touch somewhat upon practical life, the reader might remain unacquainted with important facts, the hidden springs of a great ensemble. These facts are, moreover, of great value in showing the precise point on this path which the Americans have reached since the foundation of the colonies. Nothing exhibits more clearly the irregularities of public morals while connected with events which hurry on, rather than succeed, each other in this country, and against which it has opposed but a frail barrier.

There is an important circumstance here which gives peculiar interest to this investigation, — namely, the elements which formed the first nucleus of the colonies. It will be remembered, that their origin and growth resulted from the persecutions following the religious wars which harassed Europe in the seventeenth and eighteenth centuries. The victims of these persecutions, of whatever sect, even the Catholics, sought in this land, then unknown to civilization, a refuge for their ardent faith. The population therefore at the commencement, and even afterwards, was mostly composed of men of religious charac-