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What's Love Got to Do With It:

Intersections of the Personal and Political in *The Bostonians* and *Obergefell v. Hodges*

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ABSTRACT

In 2015, the United States Supreme Court relied on the equal protection clause of the Fourteenth Amendment to establish the legality of same-sex marriage in its monumental *Obergefell v. Hodges* decision. However, in the opinion of the Court, as if disregarding the government's role in regulating and renegotiating the confines of marriage in this decision, Justice Anthony Kennedy persistently depicts marriage as a deeply intimate tie. In doing so, Justice Kennedy perpetuates an ideology of privacy that has shaped the conceptualization of marriage in the American imagination since the nineteenth century. In *The Bostonians* (1886), Henry James challenges this ideology, questioning the extent to which our experiences of and decisions about intimate relationships are truly private. Exploring the complex relational tensions that unfold among a Bostonian activist, a young feminist prodigy, and a Southern traditionalist, James reveals ways in which the public in fact constantly interacts with and influences the private sphere. Through the tragedy that unfolds in *The Bostonians*, James demonstrates how an unawareness of this mediation can compromise experiences of individual identity and intimacy. Reading *Obergefell v. Hodges* alongside *The Bostonians*, I argue that, in obfuscating the ways in which the public exerts influence over individuals and intimate ties, the rhetoric of privacy employed by the opinion of the Court in *Obergefell v. Hodges* in fact jeopardizes the liberty the Court ostensibly seeks to extend.

KEYWORDS

Henry James, *The Bostonians*, *Obergefell v. Hodges*, privacy, public sphere, marriage, Boston marriage

On June 26, 2015, at the conclusion of the *Obergefell v. Hodges* case, the United States Supreme Court reached a 5-4 decision to federally sanction gay marriage. In the syllabus, the case introduces personal stories of several of the fourteen same-sex couples whose petitions culminated in this momentous case. With these accounts, the case syllabus provides windows into the individual experiences of couples whose private lives quickly evolved into a central focus of the intense ongoing political debate surrounding the institution of marriage in the United States. In establishing the legal legitimacy of marital unions between same-sex couples, the Court's decision highlights the entanglement of public and private life that American democracy reflects and produces. Since the conclusion of *Obergefell v. Hodges*, marriage, discursively represented as a deeply private tie since the nineteenth century, continues to surface as a site of ongoing political controversy between individuals whose personal identities and ideals clash in public contexts. As one must constantly negotiate their private selfhood and assert and adapt one's personal identities and deeply held values in public exchange and discourse, we discover that, to an extent, the private is always already shaped by and shaping the public. At the same time, it is also crucial to question the extent to which government should play a role in the shaping, protecting, and establishing of our private lives.

Through its critical investigation of how private intimacies draw influence from and shape the public sphere, Henry James' *The Bostonians* (1886) speaks incisively to these twenty-first-century tensions between private and public life. As a contest for the love and devotion of young feminist prodigy Verena Tarrant becomes the site of political skirmishes between Bostonian activist Olive Chancellor and her Southern cousin Basil Ransom, James illustrates how the politicization of intimate relationships is detrimental to private individuals and yet inseparable from agendas of both social stabilization and reform. Verena's disregard for the influence of political discourse on her private life, on the other hand, makes her dangerously susceptible to the unacknowledged impact of the public on the private self. Drawing on James's exploration of the public implications of private intimacies represented in *The Bostonians*, this essay will examine how *Obergefell v. Hodges* reflects and perpetuates the complex interplay between the personal and the political in the contemporary American public. Reading *Obergefell*

v. *Hodges* through the lens of *The Bostonians*, I argue that the majority opinion precariously builds its case on an ideology of privacy, while disregarding its own invasive scrutiny and manipulation of American private life.

Writing in the late-nineteenth and early-twentieth centuries, Henry James wrestled with shifting notions of the public and private in American society. In *Henry James, Impressionism, and the Public* (2013), Daniel Hannah notes that in the nineteenth century, “in the wake of economic expansion and political enfranchisement,” the once-distinct line between private and public began to blur as “the private [became] the scene of increasingly invasive state publicity” (4). During this period of “significant mobility,” marked by “transatlantic emigrations...large-scale internal migrations to urban centers, and...mobilities of class,” as Hannah notes, “the public legibility of such categories as race, nationality, gender, class, and sexuality came under sustained pressure” (xii). In response to these shifts and the heightened public scrutiny and mediation of private life and identity that resulted from them, Hannah writes, “In the 1880s, in works like *The Bostonians*...James moves toward a conceptualization of publicity ‘as a cultural condition, or form of consciousness, rather than a purely external or mechanical force’” (13). In *The Bostonians*, as in his other works, James grapples with the inevitable intersections of and interplay between the private and public self by persistently making characters’ internal reflections and emotions legible to his audience and examining the “subject as inextricably public, always shaped and exposed by the actions of others” (Hannah xiii). In *The Bostonians* in particular, this examination intertwines with a focus on how the public exerts influence on marriage and intimate relationships, which were also shifting during this period.

Published in 1886, *The Bostonians* met with a historical period rife with anxiety over the relationship of marriage and intimacy to politics and publicly negotiated gender roles. Karl Llewellyn notes that “institutions...to society at large...are a static factor, whereas to the individual they are in first instance dynamic. Society they hold steady.... The individual...is molded dynamically by and into them” (qtd. in Cott 3-4). In the United States, public policy and the private institution of marriage have profoundly influenced each other since the nation’s inception, shaping social infrastructures as well as individual social roles. During the 1880s,

which prefaced the Progressive Era, various schools of thought and practice surrounding marriage emerged. Both progressives and conservatives recognized the mediating power of the government over intimacy and, conversely, the power of marriage and intimacy to shape society and sustain or challenge the social order. While traditionalists insisted upon marriage as “monogamy on a Christian model” (Cott 2), feminists, free lovers, and others bent on unsettling conventional gender roles sought to destabilize the institution of marriage by pushing the bounds of intimate unions. From the debate surrounding marriage in the 1880s flows a rich history of sociopolitical dialogue that sheds light on the personal and public implications of the complex love triangle James formulates in *The Bostonians*.

For instance, in an 1889 *New York Times* article entitled “Theories of Marriage,” professor and social reformer Felix Adler outlines four approaches to the marital institution—the contract theory, the sacramental theory, the romantic theory, and the ethical theory—revealing the breadth and complexity of dissension running through this debate. While the contract theory, “extensively held, especially by liberals,” focuses excessively on the “civil status of marriage” and insists individuals “cannot be forced to contract for life,” Adler argues, the sacramental theory, defining marriage as a “spiritual union” and excluding the possibility of separation, leaves insufficient space for the law to intervene (9). In contrast, he suggests, while the romantic theory builds marriage upon “a flame, a passion, a blind intoxication” that will inevitably culminate in disappointment, the ethical theory is “characterized by the idea of duty between husband and wife” and, with “love deepening and enriching it,” can create a firm connubial foundation (Adler 9). Through his examination of divergent perspectives on marriage, Adler underscores a tension central to the debate: while deeply personal, marriage is also inescapably political, raising questions as to whether any institution should regulate this form of intimacy. Rather than existing in separate spheres, these dual aspects of marriage intermingle; religious convictions, for instance, can compel a sense of duty, while contractual requirements complicate romance with economic and legal implications. At the same time, even as the public constantly shapes individual preferences, Adler’s article suggests these individual preferences in turn

influence social infrastructures as they either reinforce or resist established institutional constraints.

One transgressive movement against conventional marriage described in the 1880 *New York Times* article “Marriage by Agreement” promoted contractual marriage relationships established and dissolved independently by couples. This notion provoked anxieties concerning the stability of marriage were it to exist apart from legal and religious regulation, revealing that even attempts to *separate* marriage from politics can generate political repercussions. In opposition to “the marriage tie as recognized by Church and State,” those who advocated marriage by agreement promoted unions founded upon and dissolved solely by “mutual agreement” (“Marriage by Agreement”). However, the article notes intimate unions “without the intervention of the forms of law or the benefit of the clergy” (“Marriage by Agreement”) would alter a fundamental cultural institution with repercussions extending far beyond the private couple. Recognizing the gravity of this movement, the article warns of the “danger” of potential “confusion and disaster” in making matrimonial agreements “nothing but bargains...designed to avoid the solemnity and supposed irksomeness” of institutionally regulated nuptials (“Marriage by Agreement”). These fears about a marriage untethered from church *and* state reveal matrimony as necessarily political, its private manifestations holding the power to destabilize and reshape the entire social landscape. As some attempted to harness this potential force for social transformation, others sought to preserve conventional values by suppressing private deviations from the institution of marriage as it was traditionally understood.

The highly politicized love triangle that emerges between Olive, Basil, and Verena in *The Bostonians* responds to cultural angst surrounding the sociopolitical power of intimate unions, in part by turning an explorative focus toward the Boston marriage—a form of resistance to the traditional conjugal tie often linked to feminist activism and involving deep intimacy between two women. In “Boston Marriage as the Future of the Nation,” Kate McCullough defines the Boston marriage as “a long-term monogamous relationship between two women” that provided a “socially sanctioned female space for at least some privileged white women” who often lived “within female communities seen by their members as both fostering women’s entrance into the

public sphere (usually in social reform careers) and reconfiguring their private sphere” (68-69). These relationships, then, involved not only a private, intimate tie but also a sociopolitical agenda: a vision to advance women’s social agency by challenging asymmetrical gender roles exacerbated by traditional marriage. While unions within these homosocial networks may at times have involved only a platonic marriage of the minds, it is also speculated that many of these relationships may have been covertly sexual (Walton 71). James’s own sister Alice, in fact, shared potentially erotic ties with a woman named Katharine Loring, who, in addition to living with her, became “a devoted companion who could be everything to her—man and woman, father and mother, nurse and protector, intellectual partner and friend” (Walton 71). Portraying Olive and Verena’s homoerotic relationship as “a contrast or alternative to heterosexuality,” as Leslie Petty puts it, James explores how private and political leanings interact to forge culturally subversive intimate bonds (391).

In *The Bostonians*, Olive Chancellor, both drawn to Verena Tarrant romantically and compelled toward her by her disdain for patriarchal social constructs, pursues an intimacy with her that challenges yet is constrained by normative constructs of gender and sexuality. While opposed to conventional marriage and “unmarried by every implication of her being,” Olive experiences stirring erotic desire for Verena—desire that is not dissociable from her passion for the feminist cause (James 16). Although couched in discreet nineteenth-century language, Olive’s amorous attraction to Verena continuously surfaces. James describes Olive as “losing herself, becoming inadvertent in admiration” (62), captivated by a longing to become Verena’s “protectress and devotee” (65) as she joins with her in a “union of the soul” (63). Beyond her sexual desires, Olive also envisions this “partnership of their two minds” as a means by which to resist male dominance and further her feminist agenda (James 122). Zealously involved in the feminist movement, Olive views traditional marriage as an instrument of power used by men “only for their pleasure, for what they believe to be the right of the stronger” (James 104). For Olive, a woman who surrenders to marriage must “give up everything” (James 104) and submit to having her hands “tied” (James 107) to the forceful, oppressive will of a man. To promote the feminist cause, she argues, “demands a kind of priesthood,” a “sacrifice for a great good” (James

106), a “single sisterhood” (James 202) of “freedom” found only in piously resisting marital bondage to a man (James 108). Through Olive, the narrator echoes nineteenth-century feminist voices like that of Lucy Stone, who, in an era in which “marital hierarchy informed men’s civic rights,” insisted like Olive that “marriage is to a woman a state of slavery” that removes her “right to her own property” and forces her to be “submissive in all things to her husband” (Cott 61). Olive, then, in the intersection of her homoerotic desire and ardency for the feminist cause, embodies resistance to heteronormativity as she pushes against heteronormative social constructs shaping both private individuals and public institutions. For Olive, homosocial intimacy with Verena holds political implications, taking on both personal and public significance.

Ironically, however, Olive’s vision for her relationship with Verena closely parallels the conventional marriage structure, suggesting that shifting definitions of intimate unions may only replicate normative power structures, equally compromising individual agency. Even as Olive strives to keep Verena free from bondage to a man, she yearns to pursue “a more complete possession of the girl” (James 101), to seek from her a “definite pledge” that will “bind them together for life” with “absolute sanctity” (James 87). James accentuates this paradox by revealing to the reader Olive’s wish to “put Verena into the enjoyment of that freedom which [is] so important to her by preventing her exercising it in a particular direction” (108). Thus, while Olive may undermine conventional gender roles and resist female subordination to men in her pursuit of Verena, she also perpetuates power imbalances typical of traditional marriage relationships by attempting to exercise power over and possession of Verena in ways that compromise her individuality. As Anthony Scott describes, “Olive and Verena’s bond becomes problematic in its “structural resemblance” to “conventional (married) heterosexuality...it’s asymmetry of power, its possessiveness, its use of coercion disguised as consent” (qtd. in Petty 391-392). Paralleling the almost unconscious capitulation to heteronormativity described by Lauren Berlant and Michael Warner in “Sex in Public,” Olive still plays into “the normativity of heterosexual culture” by attempting to establish a union with Verena that closely resembles conventional marriage (533). As Peter Coviello notes in *Tomorrow’s Parties*, while Olive works through her relationship to extend the feminist cause, she also seizes feminism as a tool

“indispensable” to creating a safe space in which to act on her desire for Verena—a desire for which there exists no “comparably marginal precedent,” no “rich and accessible legitimate *past*” (185). Even as Olive seeks to transgress against normative gender roles and modes of desire, she still operates within the constraints of socially constructed spaces and attempts to legitimize her relationship with Verena through mutual feminist activism, revealing the extent to which dominant ideologies surrounding gender and sexuality have interpellated her. Through the deep-seated inconsistencies in Olive’s vision of *forcing* Verena to fight for freedom alongside her, James reveals that while nonnormative forms of intimacy may reshape cultural institutions and gender roles, they are often still entangled with public values and infrastructures and are still built on ideologies of privacy and autonomous ideology.

Ultimately, the political motives propelling Olive’s relationship with Verena prove destructive to, yet unfortunately inseparable from, their intimacy. Employing erotic language to depict a union Olive portrays as conducive to her feminist objectives, the narrator demonstrates the deep interconnectedness of Olive’s private passions and political drives: Olive lays “awake all night” imagining how she might “rescue the girl from the danger of vulgar exploitation” and work alongside her to “achieve the great result” (James 65). Verena’s apparent like-mindedness and potential to awaken social transformation awakens in Olive “a nervous ecstasy of anticipation” that is both ideological and sensual (James 64): as Verena discusses her viewpoints on marriage and gender roles, the narrator reveals, Olive can “scarcely keep from kissing her” (James 67). While Olive considers her union with Verena integral to their participation in the feminist movement, the combined weight of Olive’s political vigor and unspoken yet quietly burgeoning erotic desire places too ponderous a burden on their private relationship, in which Verena feels “Olive’s grasp too clinching, too terrible” (James 301). As Olive pushes forcefully toward their mutual “triumph” (122), her companion feels “the fine web of authority, of dependence, that her strenuous companion [has] woven about her...now as dense as a suit of golden mail” (James 130), compelling Verena to wonder why she “had not been more afraid of her – why, indeed, she had not turned and saved herself by darting out of the room” at their initial meeting (James 64). Even Olive herself recognizes she has built her vision for Verena on

an “illusion” (James 319), placing the weight of her political involvement on something as fragile and fluctuating as a relationship that “fall[s] so far afield of what might be ratified by precedent to be...virtually unavowable” (Coviello 184). While Olive attempts to carve out for Verena and herself a homosocial and homoerotic world in which she may attain “succor and relief” from the “ill-at-homeness” perpetuated by her suppressed desire, Coviello explains her painful silence “is, perhaps, a silence not to be ameliorated even by winning the ballot,” nor, perhaps, by constructing a nonnormative intimate relationship that still must bend to fit within the constraints of admissibility set out by prevailing institutions (176-177). Through the deterioration of Olive and Verena’s relationship, James reveals the dangers inherent to tying private unions to sociopolitical agendas, even as he acknowledges the indivisibility of these spheres.

As Olive maneuvers in her relationship with Verena to combat conventional gender roles and relationships, Basil Ransom, Olive’s ultraconservative cousin, pursues marriage to Verena as a way to perpetuate those very same conventions and keep the power hierarchy firmly in place. As Cott describes in *Public Vows*, “Wives’ dependence on their husbands for representation, along with their presumed economic dependence, formed intrinsic elements of men’s citizenship” during this era (97-98). Through his insistence upon traditional marriage and gender roles, Basil negotiates his own masculine identity and social position. Unsettled by Verena’s crusades for women’s equality and liberation, Basil reimagines her in the customary domestic, deferential female role. Holding that “the use of a truly amiable woman is to make some honest man happy” (James 186), Basil sees Verena as meant “for privacy, for him, for love” rather than for the progressive public sphere (James 209). In fact, as he envisages his future with Verena, he imagines “he should know a way to strike her dumb,” revealing the intensity of his desire to keep Verena in a suppressed, marginalized social position (James 249). While opposing Olive politically, Basil closely resembles her in his desire to “take possession of Verena” and use her as a medium through which to extend his own political ideology (James 248). Through Basil’s relationship with Verena, James further explores how intimate desires and relationships can

reflect, sustain, and evolve out of political ideologies, underscoring the extent to which one can manipulate marriage to challenge or, in this case, reinforce, social constructs.

With Basil's eventual conquest of Verena, James demonstrates that just as reformist zeal can complicate intimate relationships, so also may unbending commitment to established institutions compromise private experiences of intimacy and individuality. Representative of nineteenth-century notions of "woman's unequivocal domesticity and subordinate married role," Petty suggests, Basil "embodies the strength and seductiveness of conventional thought, showing its ability to undermine oppositional communities" (393). Although Verena does not want to "embrace his ideas," which she calls "unspeakably false and horrible," she still finds Basil "better than any gentleman [she has] ever seen" (James 292), revealing the nearly irresistible pull to secure "social membership" by identifying with what Berlant and Warner refer to as the "heterosexual life narrative" (558). Basil prevails over Olive, Coviello explains, "by virtue of his capacity to offer Verena what Olive categorically cannot: marriage, as time-saturated institution and ritual, and with it singular access to a breadth of accumulated meaning and legitimacy" (185-186). Basil uses the prospect of this "time-saturated institution and ritual" to undercut Verena's feminist thinking and draw her into conventional modes of viewing and enacting womanhood. Ultimately, Basil's conquest of Verena results in deep loss on her part. James ominously concludes his novel as Basil, "palpitating with victory" (349), carries off Verena to enter a "union, so far from brilliant" that she is "destined to shed" many tears (350). Contrary to conservative editorials like "Marriage by Agreement" that frame alternative forms of intimacy as potentially destructive to the wellbeing of individuals and society, James depicts traditional marriage itself as equally—if not more—threatening to private individuals who do not fit within its bounds.

In contrast to his characterizations of both Olive and Basil, for whom the political is inextricably tied to private passions, James presents Verena as a character who attempts, futilely, to separate love and marriage from the political sphere. Unlike Basil, who promotes traditional, legally regulated matrimony, or Olive, who resists the "marriage-tie" altogether (James 66), Verena imagines a "union far more intimate" (James 208), manifested in the form of "free

unions” (James 66). Verena’s idea of “free unions” echoes the “free love” movement that first surfaced in the nineteenth century, driven by those refusing to “abide by the terms of lifelong Christian marriage as prescribed by the state and the church,” which in their minds “corrupted love” by enticing people to marry for “mercenary or other defective motives” (Cott 68). Most free lovers, Cott notes, “argued that the love between a man and a woman would be purified and elevated by releasing it from marriage bonds” (69). In her relationships to both Olive and Basil, Verena strives to engage emotionally while upholding her own values, expressing a desire “to be free” and “do as [she thinks] best” even as they exert intimate influence on her to draw her into their ideological spheres (James 191). Nevertheless, she ultimately loses her sense of identity, exchanging “one dominant companion for another” and having “no more chosen a belief in traditional gender roles than she chose her feminist activism” (Petty 394). Ultimately, although Verena’s values shift from remarkably progressive to strictly conservative, she at neither extremity successfully reaches her ideal of privacy and instead falls into the clutches of the public sphere. Because she fails to recognize how the political intersects with her personal life, she, unlike her counterparts, becomes the victim at the center of these public negotiations rather than learning to use them for her personal or political advantage. Therefore, while James problematizes the politicization of intimate unions, he also reveals the vulnerability of attempting to isolate such unions from their sociopolitical implications; for while unions like those Verena idealizes may appear to transcend the conventional marital experience, they also deny the already political implications of private relationships, thus creating a unique susceptibility to external influences.

Carried into the present moment, *The Bostonians* suggests the dangers inherent to a political rhetoric so preoccupied with the rights of individuals to act on private desires and ideologies that it obscures how these privacies interact with and are shaped by social constructs, political ideologies, and government mediation. A comprehension of the drastic philosophical change that has carried American culture to this point and the implications of this shift is therefore necessary to contextualizing the radical transformation of marriage taking place in the contemporary moment. An important distinction must be made between the period in which

James wrote and today. In *The Bostonians*, Olive attempts to enact non-normative values and inclinations within the constraints of a society committed to the ideal of “virtue,” or “public-spiritedness” in which citizens must “recognize civic obligation” as community takes precedence over the individual (Cott 18). Today, however, the opposite has become true: as American society fixates increasingly on privacy, individualism, and self-identity over adherence to past ideals of duty and social morality (Yankelovich 3-4), the public imagination has latched onto a conceptualization of marriage as fundamentally rooted in “liberty and privacy, consent and freedom” (Cott 197). Ironically, however, although “marriage can now also symbolize freedom,” as Cott observes, “constitutional doctrine since the 1940s” has set “public authority behind [this] alliance” of “privacy with personal liberty” and negotiated the parameters of marriage to reconfigure and buttress public values and “the political principles of American democracy,” rendering the privacy we have come to associate with marriage not so private after all (198, 226). Although public discourse describes marriage as a space of liberation from the public sphere, one must, considering how “the structure of marriage organizes community life and facilitates the government’s grasp on the populace,” ask oneself as Cott wonders, “Is the liberty [now] associated with marriage an illusion?” (1, 226).

While the opinion of the Court in *Obergefell v. Hodges* relies heavily on a rhetoric of privacy, “hasn’t the record shown,” as Cott suggests, “that public authorities thoroughly shape the institution, infusing it with aims not personal at all?” (226). Although the decision in *Obergefell v. Hodges* was made based on the equal protection clause of the Fourteenth Amendment, the rhetoric of the Court’s opinion draws on and extends the insidious ideology of privacy that has surrounded the institution of marriage in the United States since the nineteenth century. While the case serves to grant *legal* legitimacy and *public* rights to same-sex couples, it consistently characterizes marriage as a distinctly *private* institution. In the syllabus of *Obergefell v. Hodges*, “decisions about marriage” are described as “among the most intimate that an individual can make,” the “connection between marriage and liberty” integral to the “concept of individual autonomy” (3). Additionally, the syllabus characterizes the “liberties” and “intimate choices” of individuals as forces that “define personal identity and beliefs,” conveying

a notion that individuals compose and fashion themselves within the imagined space of “liberty” and “autonomy” associated with marriage (*Obergefell v. Hodges* 10).

Paradoxically, however, the Court negates this ideology of privacy even in reproducing it; for, if marriage belonged exclusively to the private sphere, the government would play no role in mediating or reframing its parameters. Furthermore, that the Court must legitimize forms of intimacy indicates that individuals negotiate their “identity and beliefs” not in autonomous spaces forged by intimate ties, but, as the central characters in *The Bostonians* do, in the fraught, rendering spaces between private and public identity and commitments. As Olive seeks to legitimize her covert attraction to Verena through her political activism, and as Basil’s traditional social values inform his romantic pursuit of Verena, so must those of us in the contemporary moment work out our desires and aims as both private individuals and political subjects. Marriage in particular encapsulates this tension, for it is both intimate and institutional, both private and profoundly political: “At the same time that any marriage represents personal love and commitment,” Cott argues, “it participates in the public order” (1). And yet, in portraying as fundamentally personal an institution inextricably interwoven with political implications, the Court in *Obergefell v. Hodges* perpetuates the false representation of marriage as essentially private, rather than recognizing and relinquishing its role in rendering such privacy no more than a fantasy.

It is, in fact, the impulse toward preserving “public order” that has and continues to motivate the government’s mediation of marriage. Notions of “marriage by agreement” or “free love” explored in nineteenth-century discourse—from Verena’s attraction to “free unions” to the 1880 *New York Times* article critiquing such autonomy in intimate relationships—evoke fascination and anxiety precisely because we can hardly imagine marriage separate from the state, so thoroughly has it been interwoven with public rights and responsibilities. As Cott notes, marital status determines numerous “benefits and obligations, from immigration and citizenship to military service, tax policy, and property rules,” from “Social Security and veterans’ survivors’ benefits” to “intestate succession rights and jail visitation privileges” (2). Additionally, marriage shapes gender identities and social roles, “turning men and women into

husbands and wives” whether or not they are married (Cott 3). By aligning the institution of marriage with particular benefits and placing it within certain constraints, the government invests in a “*particular* marriage model”—one that reflects and reproduces public values and objectives (Cott 3).

Traditionally, as reflected in legislations from the decision in *Reynolds v. United States* (1879) to the 1996 Defense of Marriage Act, public policy has championed a Christian conceptualization of marriage as a monogamous, lifelong covenant between a man and a woman, with the man at the head of the household. This model of marriage has historically been considered crucial to preserving public order, in that it replicates in the context of the private home and thus sustains the values and infrastructure of a state shaped by Christian values: as the man is the head of the household and Christ is the head of the church, so the commander in chief is the head of the state (Cott 12). As Justice Anthony Kennedy observes in the opinion of the Court in *Obergefell v. Hodges*, Alexis de Tocqueville recognized the crucial importance of marriage to the political infrastructure of the U.S., observing in *Democracy in America* (1835):

There is certainly no country in the world where the tie of marriage is so respected as in America... [W]hen the American retires from the turmoil of public life into the bosom of his family, he finds in it the image of order and of peace. ... [H]e afterwards carries [that image] with him into public affairs (qtd. in *Obergefell v. Hodges* 16). In the past, those whose intimate desires and relationships did not conform to this model, much like Olive Chancellor, and perhaps even Alice James, were relegated to private spaces, their personal lives and relationships quietly speculated on but rarely publicly acknowledged or politically sanctioned. Living outside the legally enforced bounds of heterosexual marriage long revered by the state, as Justice Kennedy observes, same-sex couples were “denied” both “the constellation of benefits that the States have linked to marriage” and the sense of “fulfillment’ that accompanies participation in the “institution” (17).

Presently, however, as American society has become increasingly progressive and pluralistic, secular and individualistic, moving away from traditional Judeo-Christian values, the political values and objectives to be replicated in private households have shifted, opening doors

to, and perhaps even driving, the legislative reconsideration and revision of the institution of marriage. The Court predicted the integral role of marriage in both reflecting and reshaping shifting social values in *Maynard v. Hill* (1888), describing marriage as “the foundation of the family and of society, without which there would be neither civilization or progress” (qtd. in *Obergefell v. Hodges* 16). Although the public values the government now seeks to codify and perpetuate through the renegotiation of marriage differ from the values that marked the era in which James published *The Bostonians*, the Court’s decision in *Obergefell v. Hodges* exposes a continued interdependence between private and public spheres in American society, an impulse to regulate and revise the civic body through the regulation of private bodies. Articulating relatively new national commitments to ideals of personal individual liberties, pluralism, and equal rights that took off in the 1960s (Yankelovich 3)—to individual fulfillment, peaceful coexistence, and Fourteenth Amendment equal protection rights—the decision in *Obergefell v. Hodges* reflects an aim to redefine marriage in ways that revise the “injustice” of the past and allow the institution to more radically approximate and perpetuate the nation’s revised public values and notions of “liberty” (3, 11, 13, 19-20, 27). Thus, while this decision, with all its personal and political implications, was a victory for many, *Obergefell v. Hodges* also demonstrates the extent to which those parts of citizens’ lives which are considered most intimate, such as marriage, are in fact constantly shaped by and shaping the public in which citizens engage.

And yet, the rhetoric of the opinion of the Court in *Obergefell v. Hodges* so persistently clings to an ideology representing marriage as an autonomous union that it in many ways obscures the actual interdependence of private marriage relationships and public order. Although Justice Kennedy insists “The nature of marriage is that, through its enduring bond, two persons together can find other freedoms, such as expression, intimacy, and spirituality,” we must ask ourselves how much marriage, and our decisions about marriage, are truly free, personal, and unmediated by public and political identities and commitments (*Obergefell v. Hodges* 13). Although this notion is enticing, are the ways we engage in our most intimate relationships not thoroughly shaped by our social and political values and engagements? At the same time, how

can we escape this space of tension between private and public, intimacy and ideology? If, like Verena Tarrant, or perhaps like Justice Kennedy in the opinion of the Court in *Obergefell v. Hodges*, we latch onto a conceptualization of intimate relationships as a sacred, private space in which individuals can encounter true selfhood apart from public influence, we risk overlooking the ways in which even the spaces and relationships that feel most private are—sometimes hazardously—manipulated by and molding social forces and frameworks beyond ourselves. On the other hand, considering marriage and intimacy through a primarily political lens as Olive Chancellor and Basil Ransom often do, can distort relationships, turning them into power struggles rather than loving commitments.

From the nineteenth century to the present day, ideologies of privacy have surrounded marriage, even as the public subtly yet pervasively shapes ideologies surrounding matrimony. As James demonstrates through the love triangle between Olive, Basil, and Verena, this public mediation, though inescapable, proves detrimental to the wellbeing of private individuals. Despite its rhetoric of privacy, the majority opinion in *Obergefell v. Hodges*, rather than protecting private individuals from this mediation, perpetuates public authority and influence over the boundaries of marriage, while also failing to acknowledge or examine the implications of this overstep for the American public. As the personal and political intermingle, the sphere of marriage, often considered a retreat from the public eye, becomes an exposed space in which the individual becomes subject to scrutiny and socially constructed notions of the marital tie.

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