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“A Strange Opposition”: *The Portrait of a Lady* and the Divorce Debates

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Toward the end of *The Portrait of a Lady* (1881), after Isabel Archer confides to Henrietta Stackpole that she feels trapped in her marriage to Gilbert Osmond, Henrietta advises Isabel to “[l]eave [her] husband before the worst comes” (549). When James’s heroine recoils at “the off-hand” manner in which Henrietta speaks of withdrawing from the bonds of matrimony, the outspoken American journalist proceeds to justify her position: “‘Well,’ sa[ys] Henrietta as if she were beginning an argument, ‘nothing is more common in our Western cities, and it’s to them, after all, that we must look in the future.’” The reader hears no more of Henrietta’s ideas, however; the narrator swiftly silences her. “Her argument,” he tells us, “does not concern this history, which has too many other threads to unwind.”

Henrietta’s argument, of course, has everything to do with James’s novel—which is why the narrator so noticeably and anxiously quiets her. Henrietta threatens to articulate what remains ever present but always implicit in the text: an argument in favor of divorce. This legal remedy for ill-matched couples was extremely controversial in nineteenth-century America. While figures such as Robert Dale Owen and Elizabeth Cady Stanton argued in favor of easing restrictions on divorce, others—such as *New York Tribune* Editor Horace Greeley and Yale College President Theodore Woolsey—railed against the frequency with which Americans were dissolving their vows.¹ Serialized in the *Atlantic Monthly* the year that Woolsey helped found the New England Divorce Reform League and that Congress authorized the gathering of national statistics on marriage and divorce, *The Portrait of a Lady* both responds to and participates in heated debates about the permanence of the conjugal tie.

Scholars have examined James’s portrait of matrimonial misery, but they have generally overlooked the novel’s treatment of divorce. Insisting upon James’s commitment to the sanctity of marriage, critics have dismissed the idea that the text considers divorce as an alternative for Isabel. Allen F. Stein, for

example, asserts that divorce is “out of the question as both [Isabel] and James see it” (139). In a similar vein, Alfred Habegger observes that “[d]ivorce as a topic is strangely absent from Isabel’s life and mind” (“*Woman*” 163). Debra MacComb devotes closer attention to the question than most critics do, but she, too, concludes that the novel emphatically rejects this possibility. Constructing a sharp contrast between English and American attitudes toward marriage, she maintains that the novel criticizes Americans’ “celebrated tendency” to elevate individual liberty over social obligation and to resort to radical breaks such as divorce in order to secure such liberty (“*Divorce of a Nation*” 129, see also *Tales* 53–77).²

James’s treatment of divorce is more complicated than these critics have recognized. At the same time that the novel insists upon the sanctity of the conjugal bond, it highlights the costs of remaining in a miserable marriage and it reaches toward a remedy for Isabel. At many moments the novel imagines the possibility—indeed, desirability—of dissolving the conjugal tie. The argument that Henrietta introduces fairly late in the novel is, in fact, woven through the text from the very beginning. Although the novel ultimately resists Henrietta’s suggestion, it articulates some of the central arguments in favor of liberal divorce. In its close examination of both sides of the divorce debates, *The Portrait of a Lady* occupies an important place in the tradition of American divorce fiction.³

To understand the implications of Henrietta’s suggestion to Isabel, we need to consider the legal context of the novel. Henrietta wisely advises Isabel to turn to American courts, rather than to English or Italian tribunals, as English and Italian law did not permit a woman in Isabel’s position to dissolve her vows. With certain limited exceptions, divorce remained illegal in Italy throughout the nineteenth century (Phillips 405–07). In England, after the passage of the Matrimonial Causes Act of 1857, a husband could obtain a divorce if he provided evidence of his wife’s adultery, but a wife needed to show proof of an “aggravating factor” such as incest, bigamy, cruelty, or desertion for two years, in addition to adultery, in order to obtain the same remedy. If she showed evidence only of her husband’s adultery or cruelty or desertion for two years, she could obtain a judicial separation enabling her to live apart from her spouse but barring her from remarrying (Shanley 35–44; Stone 378–82, 388).⁴

Compared with English and Italian law, American divorce law was generally more liberal, but the specific provisions varied from state to state.⁵ New York, Isabel Archer’s original abode, was one of the stricter jurisdictions. New York courts recognized only one ground—adultery—as the basis for an absolute divorce, and they permitted only the “innocent” spouse to remarry after receiving such a decree (Blake 64–66; Hartog 72–73). The courts granted limited divorces, or separations “from bed and board,” which enabled spouses to live apart but not to remarry, for three reasons: cruel and inhuman treatment by one spouse toward the other; conduct that might render it unsafe and improper for one spouse to cohabit with the other; and abandonment, coupled with refusal or neglect to provide for the other spouse. The courts interpreted “cruelty” as meaning only physical brutality (Blake 66; Griswold 128–29).

In other states, such as Ohio, Indiana, Illinois, Nevada, and Utah—the notorious “Western states” to which Henrietta alludes—spouses could take back

their vows much more easily. Courts in these states granted absolute divorces for any one of a number of reasons, such as desertion, impotence, habitual drunkenness, cruelty, and adultery, and they permitted both spouses to remarry after receiving the decree (Basch 47–48; Blake 62–63, 116–29). Some state codes, such as Indiana’s, also contained an “omnibus,” or catch-all clause, which enabled courts to grant divorces for “[a]ny other cause which [they] . . . deem[ed] . . . proper” (qtd. in *Divorce* 59). The omnibus clause in Connecticut’s code enabled courts in that state to grant divorces for “any such misconduct . . . as permanently destroys the happiness of the petitioner, and defeats the purpose of the marriage relation” (qtd. in Cott 50). Divorce codes in Arizona, Illinois, Iowa, Louisiana, Maine, North Carolina, Rhode Island, and Utah contained similar provisions (Cott 50; Woolsey 204–06).

In the middle of the century, many states further expanded their divorce laws by broadening the definition of “cruelty” to include any behavior—including mental torment—that injured the health of a spouse (Griswold 127–48). The opinion of the Pennsylvania Court of Common Pleas in *Butler v. Butler* (1849) became the leading decision on this question. “[A] husband,” the court explained,

may, by a course of humiliating insults and annoyances, practiced in the various forms which ingenious malice could readily devise, eventually destroy the life or health of his wife, although such conduct may be unaccompanied by violence, positive or threatened. . . . To hold absolutely that if a husband avoids positive or threatened personal violence, the wife has no legal protection against any means short of these, which he may resort to, and which may destroy her life or health, is to invite such a system of infliction by the indemnity given the wrongdoer. (qtd. in Griswold 132)

In the years following this decision, many state courts embraced the idea that physical decline caused by mental torment justified the dissolution of a marriage. In accepting “mental cruelty” as grounds for divorce, however, most courts—at least until the 1880s—required petitioners to show evidence of some type of physical injury (132–40).

The growing liberalization of the divorce laws, coupled with the problem of “migratory divorce,” sparked a fierce debate between liberal and conservative thinkers in the 1860s and ’70s (Basch 80–93; Blake 89–96, 116–123). Proponents of liberal divorce insisted that mutual happiness was the main purpose of marriage and that when a union no longer served this end, it ought to be dissolved. As the former Indiana legislator Robert Dale Owen explained in a famous exchange with Horace Greeley in March 1860, “marriage was designed to be, and should be, the means of calling out all that is best and purest in the inner nature of man.” “[W]hen it becomes the daily source of anger, strifes, cruelty, brutality,” he insisted, “it defeats God’s purpose, violates the Divine economy, becomes itself immoral, and ought to cease” (*Divorce* 55). Owen argued that men and women should not have to suffer for their poor choices in spouses or their inability to perceive their partners’ true characters (43–44). James G. Powers echoed these

sentiments a decade later in his treatise *Marriage and Divorce* (1870). “Marriage contemplates the development, happiness, and improvement of the married parties,” he explained. “When this object is defeated by alienation, and such incurable incompatibility of disposition as leads to daily anger, strife, and contention,” he reasoned, “it ceases to be a blessing . . . [and] its existence or continuation . . . ought to cease” (96–97). Elizabeth Cady Stanton advanced this position, too, in her lectures and published writings. In her view, the parties to a marriage contract had the right to enter and to exit it at will. As a civil contract, she explained, marriage ought to be “subject to the laws of all other contracts, carefully made, the parties of age, and all agreements faithfully observed.” “[I]f the immoral acts of either party, or insurmountable differences of organization essentially annul the contract,” she maintained, “the State [ought to] declare it so” (“Mrs. Elizabeth Cady Stanton’s Address” 68–69; see also Basch 68–69, 73–74; Clark 25–54; Stanton 125–30; Stanton, Anthony, and Gage 716–22).

Pro-divorce advocates pointed out, moreover, that strict divorce laws, rather than liberal ones, encouraged men and women to violate the marriage vow. Owen insisted that it was not in Indiana but “in New York and New England, refusing reasonable divorce, that free-love prevails” (*Divorce* 9). “You have elopements, adultery, which your law, by rendering it indispensable to release, virtually encourages,” he charged. “[Y]ou have free-love, and that most terrible of all social evils, prostitution. We, instead, have regulated, legal separations” (10). He criticized the wisdom of granting limited divorces that left men and women in a “nondescript state which is neither married nor single.” Such separations, he explained, had been found “in practice, to be the most immoral in [their] tendency” (25) because they tempted the parties to commit adultery. “[A]ll extra-stringent laws induce a reaction and defeat their own aim,” Powers similarly warned. “[D]rawing the rein too tightly, it breaks and leaves the rider at the mercy of the fiery steed” (104; see also 94–95).

Conservative thinkers, by contrast, fumed about the rising divorce rate, arguing that the availability of easy divorce was undermining the fabric of society and the stability of domestic life. “[W]hat *is* Marriage?” Greeley asked in his debate with Owen. Greeley proceeded to answer his own question:

I mind the Apostolic injunction—“Hold fast to the form of sound words.”

Dr. Webster’s great dictionary says:

“MARRIAGE: The act of uniting a man and woman *for life*; wedlock; the legal union of a man and woman *for life*. *Marriage* is a contract both civil and religious, by which the parties engage to live together in mutual affection and fidelity *till death shall separate them*.” (*Divorce* 15–16)

According to Greeley, “the entire Christian, and . . . most of the partially civilized pagan world regard[ed] this solemn contract to cleave to each other *till death* as the very essence, the vital element, of Marriage” (16). He strongly opposed the idea of easing New York’s restrictions on divorce. “That many persons are badly

mated is true; but that is not the law's fault," he insisted (5). In his view, adultery was the only proper ground for a divorce; he invoked Jesus' words in the Bible to support this position (26–27). Greeley approved of separations, too, only as the New York law permitted them: "in cases where the party thus separated is in danger of bodily harm from the brutality of an insane, intemperate or otherwise brutalized, infuriated husband or wife" (28). Individuals who found themselves miserably deceived about their spouses' true characters, he felt, ought to suffer the consequences of their poor decisions. Strict divorce laws, he reasoned, would force men and women to be more careful and thoughtful about choosing their partners.

Conservative thinkers like Greeley viewed the rising incidence of divorce as a sign of the growing individualism that threatened to erode social ties. In Greeley's words, "[t]he vice of our age, the main source of its aberrations, is a morbid Egotism, which overrides the gravest social necessities in its mad pursuit of individual, personal ends." "[T]o make divorce easy," he warned, "is in effect to invite the sensual and selfish to profane the sanctions of marriage whenever appetite and temptation may prompt" (48–49). Writing in the *North American Review* in June 1880, Nathan Allen sounded the same theme. "When individuals enter upon the marriage relation under a low range of motives and influences," he charged, "they soon develop separate interests that grow wider and wider apart, resulting in an intense *individualism*, which is nothing more nor less than supreme selfishness, and nothing short of a permanent separation will then satisfy them" (559–60; see also Dike 159–62).

Conservative thinkers worried, too, about the publicity surrounding divorces. "One great evil of this state of things," Judge Noah Davis lamented, "is that the public mind is becoming habituated to look upon divorces without shock, and without a thought of their injury to public morals" (35). He objected, in particular, to the newspapers' sensational coverage of divorce trials. "The press teems with scandalous reports of such suits," he complained, "often giving prurient and disgusting details, which the youth of neither sex can safely read; and thus our conception of the marital relation and its duties is becoming alarmingly debased" (35).

By the 1870s, Henry James Sr. had come to share this view of the dangers of liberal divorce, although he had articulated a very different position nearly twenty years earlier. In 1852, the elder James had himself sparred with Greeley about the legal regulation of marriage and the proper grounds for divorce. In the pages of Greeley's *Tribune*, James had argued for the expansion of the divorce laws, explaining that it would strengthen the institution of marriage. As James then saw it, men and women did not need the "outward force" of law to bind them to each other; the "human heart [was already] the destined home of constancy and every courteous affection" (*Love, Marriage and Divorce* 54). This view of marriage troubled conservatives and liberals alike. Greeley felt that James's suggestion threatened "a general profligacy and corruption such as [the] country ha[d] never known" (86). The free-lover and philosopher of "individual sovereignty" Stephen Pearl Andrews, on the other hand, agreed with many of James's proposals but felt that they did not go far enough. After Greeley and Andrews each

wrote several lengthy rebukes, highlighting the radical implications of his ideas, James retreated from this position.⁶

In a series of essays published in the *Atlantic Monthly* in 1870, prompted by two prominent trials involving adultery and divorce, James Sr. articulated his new conservative philosophy, criticizing the idea that marriage was a “mere voluntary tie between men and women, essentially devoid of social obligation, or having at most only a politico-economical interest to society” (“Woman Thou Gavest” 68–69). James now highlighted the permanence of the marriage vow, emphasizing the need to subordinate individual desire to social duty. For the elder James, marriage was a “strictly social institution” that “contemplate[d] first of all . . . the advantage of society itself, and through that alone the advantage of all its individual members” (69; see also “Is Marriage Holy?” 363–64). Like Greeley now, James strongly objected to the idea that men and women might “take the marriage law into their own hands, and tighten or relax it at their own pleasure” (“Woman Thou Gavest” 71).

Where the elder James maintained that the answer to the problem of lax morals and loose sexual behavior lay in changing people’s views about marriage, however, most conservative thinkers sought, instead, to change the liberal divorce laws. Woolsey exhorted “all the churches, all right-minded people, all Protestants and Catholics, . . . to unite in a demand that there be some check on so great and threatening an evil” (233).⁷ Allen similarly called for “wiser and more stringent legislation upon divorces” (563; see also Cott 106–07). Their demands eventually resulted in changes. In 1873 the Indiana legislature repealed the omnibus clause in the state’s divorce code; within the next five years, legislatures in Louisiana, Arizona, and Connecticut followed suit (Barnett 21–22; Blake 130–51). When *The Portrait of a Lady* appeared in the *Atlantic Monthly* in 1880–81, some of the more liberal provisions had been modified or completely abolished. It became difficult for unhappy spouses to obtain divorces simply because they had incompatible personalities, even in the notorious western states.⁸ Liberal reformers such as Stanton, however, would continue to press for change. The desirability of divorce would remain the subject of fierce debate for many years to come.

The Portrait of a Lady is, in many ways, engaged with these debates. James handles the subject with great subtlety and skill. The question of the propriety of divorce never becomes as pronounced in this text as in novels such as William Dean Howells’s *A Modern Instance* (1882) and Edith Wharton’s *The Custom of the Country* (1913), but it is nonetheless a recurring concern. *Portrait*, moreover, does not offer a simple affirmation of James Sr.’s view of marriage, as some critics have suggested (see Habegger, “Woman” 179; Niemtzwow 380). The novel, rather, bears traces of James’s own ambivalent feelings and changing ideas about divorce.

In the decades prior to writing *Portrait*, James expressed reservations about the idea of granting divorces to unhappy couples. James’s disapproval of divorce emerges forcefully in his review of Louisa May Alcott’s *Moods* (1864), a novel that examines the ethical dilemmas that beset Sylvia Yule during her courtship and marriage. After Sylvia hears a false report that her lover, Adam Warwick, is engaged to another woman, she agrees to marry a man who cares deeply for her but for whom she feels little affection. When Adam returns after several months’

absence to seek Sylvia's hand in marriage and discovers that she is already married to his friend, he urges her to obtain a divorce so that they can finally exchange vows. James recoiled at this suggestion. "When a man beats, starves, or otherwise misuses his wife, any judicious acquaintance will take the responsibility of advising the poor woman to seek legal redress," James explained. "But it is inconceivable," he continued, "that a wise and virtuous gentleman should deliberately persuade two dear friends—dear equally to himself and to each other—to pick imperceptible flaws in a relation whose inviolability is the great interest of their lives, and which, from the picture presented to us, is certainly one of exceptional comfort and harmony" (*MD* 279). Although James supported the idea of granting some form of "legal redress" to a wife who suffered from her husband's physical abuse, he could not countenance the idea of granting such relief to a woman who had voluntarily formed a loveless but otherwise acceptable union.

Five years later, James again revealed his commitment to the sanctity and permanence of the conjugal tie when he endorsed his father's own conservative pronouncements on the marriage question. "Your *Atlantic* article I decidedly liked—I mean for matter" (*HJL* 187–88), James wrote to his father in January 1870, after the latter's first article on the subject appeared. Two months later, James reiterated his support for his father's views in a letter to his brother. "Among the things I have recently read is Father's *Marriage* paper in the *Atlantic*—with great enjoyment of its manner and approval of its matter" (212), James related to William.⁹

In *Portrait*, however, we see the beginning of a shift in James's thinking about the nature of marriage and the propriety of divorce. The novel, in fact, shares many of the concerns articulated by the liberal reformers. The novel's implicit case for divorce begins with the way in which it calls into question conservatives' faith that strict divorce laws make people more cautious and thoughtful about selecting their partners. When Isabel marries Osmond, she is entirely deceived about his real character. She thinks she is marrying someone whose mind is curious, generous, and expansive—only to realize, after she is married, that she has been sorely deceived. In the narrator's words, "[s]he had taken all the first steps in the purest confidence, and then she had suddenly found the infinite vista of a multiplied life to be a dark, narrow alley with a dead wall at the end" (*PL* 474). Isabel's experience bears out Owen's concern that an individual with "unsuspicious faith, just entering a false world, serenely ignorant of its treacheries," will be even less likely than a person with more wisdom and experience fully to "penetrate the veil" that conceals others' true characters (*Divorce* 43).

Through Isabel's union with Osmond, moreover, the novel highlights the importance of the compatibility and happiness of partners in marriage. Isabel and Osmond discover that their views and interests are utterly at odds. Isabel "ha[s] a certain way of looking at life which [Osmond takes] as a personal offence" (*PL* 478). It is "the whole thing—her character, the way she [feels], the way she judge[s]." The problem is that "his own [is] . . . so different." The novel evokes the isolation, anger, and pain that Isabel and Osmond experience in their loveless union. "[A] gulf had opened between them over which they looked at each other with eyes that were on either side a declaration of the deception suffered," the

narrator observes several years after their marriage. “It was a strange opposition . . . an opposition in which the vital principle of the one was a thing of contempt to the other” (474). The representation of consciousness in the novel reinforces this notion of conjugal discord; Isabel and Osmond remain locked within their own points of view. For James, as for Owen, Powers, and Stanton, the problem of conflicting perspectives and incompatible temperaments comes to define the essence of a miserable marriage.

The consequences of remaining in this union are serious for Isabel, for Osmond seeks to close the “gulf of difference” (586) between them by subsuming his wife’s ideas into his own. He expects Isabel “to feel with him and for him, to enter into his opinions, his ambitions, his preferences” (481). Osmond admires Isabel’s fine intellect—but only insofar as it reflects back his ideas. “What could be a happier gift in a companion,” he muses, “than a quick, fanciful mind which saved one repetitions and reflected one’s thought on a polished, elegant surface?” (401). Although Isabel has a sharp “mind of her own” (481), Osmond refuses to recognize it. “My wife has probably expressed to you what *we* feel,” he tells Caspar Goodwood when the latter comes to visit them. “[Ralph] Touchett has been on *our minds* all winter . . .” (555, emphasis mine). Osmond here erases Isabel’s separate identity as he struggles to create, through his words, a “perfect intimacy with his wife.” Even at the “crisis” (582) in their relationship, when Isabel tells her husband that she must go to England to see her dying cousin, Osmond clings to a vision of husband and wife as “indissolubly united.” “I’ve an ideal of what my wife should do and should not do,” he tells her:

She should not travel across Europe alone, in defiance of my deepest desire, to sit at the bedside of other men. Your cousin’s nothing to you; he’s nothing to us. You smile most expressively when I talk about *us*, but I assure you that *we, we*, Mrs. Osmond, is all I know. I take our marriage seriously; you appear to have found a way of not doing so. (583)

This “magnificent form,” this fiction of marital unity, played a crucial role in nineteenth-century Anglo-American culture. As the English jurist William Blackstone famously explained in his *Commentaries on the Laws of England* (1765), “[b]y marriage, the husband and wife are one person in law.” In Blackstone’s telling description of “coverture,” the wife’s “very being . . . is suspended during . . . marriage, or at least is incorporated and consolidated into that of [her] husband . . .” (430). Osmond reifies this idea, cloaking Isabel’s person in his name and insisting upon the harmony of their opinions.

In attempting to absorb his wife’s identity into his own, Osmond subjects Isabel to great emotional pain. James’s language conveys a sense of Isabel’s fear and suffering. The house to which Osmond confines her is “dark,” “dumb,” and “suffocat[ing]”; her married life is filled with “terror” (*PL* 478). When we gain access to Isabel’s consciousness and view the first few years of her wedded life through her own eyes, we realize that she “ha[s] lived with [Osmond’s mind], she ha[s] lived *in* it almost—it appear[s] to have become her habitation” (477). By conflating Osmond’s mind with the oppressively dark “mansion of his own

habitation" (478), the novel vividly portrays the threat that he poses to his wife's intellectual liberty. With its sinister Gothic overtones, the image conveys the ways in which Isabel's marriage compresses her mental space. The novel further evokes the pain that Osmond inflicts upon Isabel's mind when it describes his desire to "tap her imagination with his knuckle and make it ring" (401). The violent language that Osmond uses to explain his conception of their unity similarly highlights his malignity. "[W]hy shouldn't I speak for her?" he asks Caspar. "We're as united, you know, as the candlestick and the snuffers" (552), he declares, the simile aptly expressing his desire to extinguish his wife's spirit.

Osmond does not threaten Isabel with physical violence—the text is clear on this point: "[I]t had not been physical suffering," the narrator tells us; "for physical suffering there might have been a remedy" (478). But the novel likens the emotional pain that Osmond inflicts on Isabel to physical violence and it evokes the physical suffering that results from such mental anguish. In highlighting the role that psychological cruelty plays in marital breakdown, the novel makes visible a problem, as we have seen, that many American courts were recognizing as grounds for divorce. Like the liberal reformers who called attention to this problem, and like the judges who responded to it, the novel evinces a deep concern about women's emotional well-being in marriage. The focus is where Owen, Powers, and Stanton insisted that it ought to be: on the individual psyche.

The novel goes far in presenting divorce as a solution to Isabel's unhappy situation. Ironically, Osmond himself identifies the remedy that is on so many people's minds—articulates the word to which others simply allude. "I'm not aware that we're divorced or separated," he tells Isabel when she threatens to go to England to see her dying cousin in defiance of his wishes; "for me we're indissolubly united" (583). Even as Osmond insists here upon the permanence of their bond, he introduces the specter of its dissolution. At the same time that he invokes the legal fiction of marital unity, he acknowledges the growing fissures that threaten to rupture his conjugal edifice.

Isabel, too, thinks about leaving Osmond and dissolving her vows. Her desire begins to take shape in the novel's revealing forty-second chapter:

She was morally certain now that this feeling of hatred, which at first had been a refuge and a refreshment, had become the occupation and comfort of his life. The feeling was deep, because it was sincere; he had had the revelation that she could after all dispense with him. If to herself the idea was startling, if it presented itself at first as a kind of infidelity, a capacity for pollution, what infinite effect might it not be expected to have had upon *him*? It was very simple; he despised her; she had no traditions and the moral horizon of a Unitarian minister. . . . What was coming—what was before them? That was her constant question. What would he do—what ought *she* to do? When a man hated his wife what did it lead to? (482)

Isabel's uneasiness at the thought of "dispensing with" Osmond is evident in her refusal directly to confront it. She imaginatively places the idea in Osmond's

mind, focusing on her *husband's* perception of her disappointment in marriage, rather than on her own consciousness of it. Similarly, she concentrates on Osmond's anger at *her*, rather than on her hostility toward him. But the passage evokes Isabel's own feelings of shock, resentment, and fear. Not long afterward, Isabel begins to think more specifically about dissolving her vows. The narrator explains that Isabel "seemed to see . . . the rapid approach of the day when she should have to take back something she had solemnly bestowed." As she feels that "[s]uch a ceremony would be odious and monstrous," she "trie[s] to shut her eyes to it meanwhile" (510). When Henrietta later pleads with Isabel to leave Osmond, Isabel recoils at the suggestion but admits that she "[doesn't] know what great unhappiness might bring [her] to . . ." (536). Still later, after she realizes that Osmond has married her only for her money, she "wonder[s] whether . . . her money would now satisfy him." "Would he take her money and let her go?" she muses (566). Although Isabel also reflects upon the solemnity of her vows, these meditations may be read as anxious attempts to repress her desire to dissolve her union. As Isabel acknowledges, she is "[a]fraid of [herself]" (550)—afraid that she will act upon her desire to leave her husband. The novel seems to be similarly attracted to this possibility, wishfully dwelling on the idea that Isabel might resort to the legal remedy.

Although Isabel never does take back her vows in a court of law, the fact that she thinks about doing so is significant. In depicting a woman who considers leaving her husband because of his incompatible temperament and emotional cruelty, the novel departs from the tradition of American divorce fiction. Most novels about matrimonial discord published prior to *Portrait* criticize the ease with which spouses are able to dissolve their vows; they suggest that divorce is not the answer to conjugal strife (Barnett 69–81; Basch 176–85; French 92–96; MacComb, *Tales* 10–30). The texts typically present divorce as a necessary, albeit problematic, remedy only when it is sought in response to behavior such as adultery or physical cruelty. In *The Divorce* (1851), for example, Eliza Dupy reluctantly endorses her heroine's fraught decision to divorce her spouse, but unlike Gilbert Osmond, this man is both unfaithful and physically abusive. T. S. Arthur's *The Hand but Not the Heart* (1858) offers a slightly more radical solution than most texts. Arthur suggests that his unhappily married heroine is justified in leaving her temperamental husband and going back to live with her aunt after he wrongly accuses her of infidelity. Arthur also suggests, however, that she is right in continuing to view her vows as binding, even after her husband divorces her, and right in waiting until he dies before she remarries. Even Alcott's *Moods* (1864), which dwells upon the anguish of living in a loveless union, suggests the impossibility of its heroine's resorting to divorce as a way out of her unhappy marriage.¹⁰ Unlike most of her literary sisters, Isabel repeatedly thinks about leaving her husband—indeed, yearns to be released from her marriage—and the novel depicts her desire for freedom in a largely sympathetic light.

Although Isabel does not act upon her desire to leave Osmond, moreover, other women in the novel explore alternatives to remaining in unhappy unions. These alternatives form an important part of the novel's implicit case for divorce. The Touchetts' "experiment in matrimony" (*PL* 66), we remember, is a failure.

“It . . . become[s] clear, at an early stage of their community,” the narrator explains, “that they should never desire the same thing at the same moment” (75). Unlike Isabel, Mrs. Touchett takes matters into her own hands. She refuses to accept the fiction of marital unity when there is no harmony in her marriage. When she realizes that she and Mr. Touchett cannot agree about anything, she leaves him and does “what she [can] to erect [their separation] into a law.” They live apart from one another much as if they had been granted a limited divorce: they neither remarry nor begin relationships with new partners. Madame Merle similarly negotiates her own unofficial separation from her husband; he goes to South America, she to Europe. Unlike Mrs. Touchett, though, Madame Merle does not remain faithful to her spouse. The Countess Gemini, too, feels tied to a horrid husband—a “brute” (330). In her view, marriage is a “steel trap” (406). Like Madame Merle, she consoles herself by indulging her illicit passion; however, she does not restrict herself to one man. These women’s experiences heighten the anxiety about wedded life that builds up around Isabel’s union with Osmond, providing further evidence that, in Ralph Touchett’s words, “[t]here’s no more usual basis of union than a mutual misunderstanding” (198).

These experiences also suggest the limits of the law’s ability to regulate sexual relations. Unhappy spouses in this novel do not remain united simply because they are unable to obtain legal redress. Mrs. Touchett attempts to draw a line around her unconventional separation, struggling to distinguish her behavior from that of other, less circumspect women. She prides herself on “the fact that though [she has] lived much abroad and mingled . . . in foreign life, [she has] never exhibited the smallest preference for any one else” (258). She is appalled at the thought of associating with women who are unfaithful to their husbands and thus she shuns the Countess Gemini, Osmond’s notorious sister. Adultery, though, casts a dark shadow over Mrs. Touchett’s life as well as over the novel as a whole. Despite Mrs. Touchett’s attempts to avoid the company of unfaithful women, she seems inevitably to mingle with them. Madame Merle, herself an adulteress, launches into a lengthy argument with Mrs. Touchett in an attempt to persuade her to admit the Countess Gemini into her “circle”:

She couldn’t see why Mrs. Touchett should make a scapegoat of a woman who had really done no harm, who had only done good in the wrong way. One must certainly draw the line, but while one was about it one should draw it straight: it was a very crooked chalk-mark that would exclude the Countess Gemini. In that case Mrs. Touchett had better shut up her house; this perhaps would be the best course so long as she remained in Florence. One must be fair and not make arbitrary differences: the Countess had doubtless been imprudent, she had not been so clever as other women. She was a good creature, not clever at all; but since when had that been a ground of exclusion from the best society? (329)

This passage wonderfully blurs the boundary between “pure” and “impure” women, highlighting the futility of Mrs. Touchett’s attempt to maintain clear

distinctions between them. Inside the house—the image of domesticity in the nineteenth century—we find one woman who lives “virtually separated” (75) from her husband, another woman who left her husband and promptly began a relationship with another man, and a third woman who continues to live with her husband but who regularly indulges her illicit desires. The passage shows the difficulty of drawing the line at Mrs. Touchett’s unofficial separation. When couples work out their own solutions to their marital troubles, the novel shows, they create and abide by their own laws. There is no way to ensure that such spouses will remain faithful to each other. Like the liberal reformers, the novel evinces deep concerns about the prevalence of miserable marriages and the frequency with which couples devise their own solutions to their matrimonial woes. The novel seems imaginatively to reach for a remedy that will put an end to this conjugal chaos.

If *The Portrait of a Lady* raises the possibility that divorce is an appropriate remedy for unhappy couples, however, it ultimately backs away from it. At the same time that the novel implicitly sympathizes with the views articulated by the liberal reformers, it shares many of the concerns voiced by the conservative critics. Specifically, it highlights the sanctity of marriage and the importance of placing social duties above individual desires. As critics have noted, Isabel repeatedly contemplates the sacredness of her vows. Toward the end of the novel, after Isabel reflects upon the misery that constitutes her conjugal life, she dutifully reminds herself that Osmond is her “appointed and inscribed master”:

[S]he gazed at moments with a sort of incredulous blankness at this fact. It weighed upon her imagination, however; constantly present to her mind were all the traditional decencies and sanctities of marriage. The idea of violating them filled her with shame as well as with dread, for on giving herself away she had lost sight of this contingency in the perfect belief that her husband’s intentions were as generous as her own. (510)

A few chapters later, when Henrietta suggests that Isabel leave her husband, Isabel again articulates this sense of mingled shame and responsibility. “I don’t know what great unhappiness might bring me to,” she admits, “but it seems to me I shall always be ashamed. One must accept one’s deeds. I married him before all the world; I was perfectly free; it was impossible to do anything more deliberate” (536). When Osmond informs Isabel that he is “not aware that [they are] divorced or separated” and that, in his eyes, they are “indissolubly united,” the narrator observes that his words represent “something transcendent and absolute, like the sign of the cross or the flag of one’s country” (583). He speaks “in the name of something sacred and precious—the observation of a magnificent form.” As Isabel reflects upon Osmond’s angry words, struggling to reconcile herself to his wish that she not go to England to see her dying cousin, she reminds herself that “they [are] married . . . and marriage mean[s] that a woman should cleave to the man with whom, uttering tremendous vows, she had stood at the altar” (586). These statements reflect, in part, a theological objection to divorce, as the

religious imagery running through them suggests. Although Isabel and Osmond are American citizens, they reside in Italy, after all, and the Catholic view of marriage as an indissoluble bond hovers in the background of the text. Yet the statements also evoke a secular faith in the importance of honoring one's commitments—the need, in Osmond's words, to “accept the consequences of [one's] actions” (583).

Outside the world of the novel, we remember, conservative thinkers like Greeley, Woolsey, and Allen held up the conjugal tie as the model for all other binding agreements. Emphasizing the relationship between fidelity in marriage and stability in society, they strongly objected to Stanton's attempt to apply a commercial theory of contract to the conjugal relation. Allen denounced the way in which marriage had come to be “regarded more as simply a civil contract”—“a kind of partnership intended only for the convenience and interests of the parties concerned” (558). “Instead of correcting . . . the individualizing tendency of modern law and modern economic forces,” Reverend Samuel Dike similarly complained, the “lax system of divorce” only hastened it (160).

In *The Portrait of a Lady*, James implicitly affirms this commitment to marriage as a model for other binding relationships, criticizing those spouses who place their own desires above their conjugal duties. Whereas Isabel reminds herself of the sanctities and the obligations involved in marriage, Mrs. Touchett—like Stanton—applies the logic of the business contract to her conjugal life. Mrs. Touchett perceives nothing irregular about the way she lives, “virtually separated from her husband” (PL 75). In her view, one forms a marriage as one “go[es] into partnership—to set up a house” (385). She walks away from her matrimonial “experiment” (66) much as she would from an imprudent business agreement. Not surprisingly, she views Isabel's own “establishment” as a “lame business” (441–42). These ideas unsettle James's heroine. Isabel is uncomfortable about the way in which her aunt blurs the boundary between the commercial and the conjugal realms, muddying the distinction between transitory, self-interested transactions, on the one hand, and permanent, affective ties, on the other. She disagrees with her aunt's conception of marriage as an agreement that ought to last only as long as it benefits the parties. Isabel articulates James's view; he suggests that Mrs. Touchett's radical individualism is problematic. Mrs. Touchett is too “fond” of “her own [ways]” (75); she never thinks of anyone's needs besides her own. Through its portrait of Mrs. Touchett, the novel highlights the problem of applying contract logic to intimate relationships.¹¹

The novel draws back from the idea of divorce, moreover, because of the close public scrutiny that such proceedings seem necessarily to entail. When Henrietta initially counsels Isabel to leave Osmond, James's heroine recoils from the suggestion. “I can't publish my mistake. I don't think that's decent. I'd much rather die” (536), she explains. When Henrietta continues to press Isabel on this point, the latter confides, “I don't like [Osmond], I can tell you, because I'm weary of my secret. But that's enough; I can't announce it on the housetops.” Isabel's reply conveys her sense of vulnerability in the face of such public exposure. A reporter, Henrietta has “no sense of privacy” (140); she thinks nothing of prying into people's personal lives and divulging the details of their conjugal misery.

Published in a period in which people flocked to courtrooms to observe divorce trials and in which journalists printed racy accounts of these proceedings (Basch 147–76; Leckie 62–111), *Portrait* highlights the importance of maintaining privacy in matters of conjugal relations.

The novel, then, is simultaneously attracted to and troubled by the idea that unhappy spouses might turn to the law for relief. Like the writings and speeches of Owen, Powers, and Stanton, *Portrait* places great importance on emotional happiness and compatibility in conjugal life. James vividly depicts the psychological costs of Isabel's miserable marriage, bringing them sharply into focus and insisting that her mental anguish *matters*. He suggests, too, that strict divorce laws do not prevent unhappy couples from working out their own solutions to their marital troubles and even violating their vows. Like Greeley, Woolsey, Allen, and James Sr., however, the younger James nonetheless remains invested in the sanctity, permanence, and privacy of marriage. He is, I am suggesting, keenly aware of the psychological costs of remaining in a miserable union, but he is also deeply concerned about the moral and social implications of liberal divorce laws. The novel struggles to resolve the tension between the liberal and the conservative positions in the divorce debates, attempting to adjudicate the competing claims of the Individual and Society.

In the end, the concerns of Society trump those of the Individual. Isabel does not follow Henrietta's advice and turn to America's liberal divorce courts to dissolve her unhappy union with Osmond. The "great alkali desert of cheap Divorce" (134), as James would describe the western states in *The Golden Bowl* (1904), remains only a vague, unrealized presence in this text. Despite all of the hints that James gives us that Isabel may eventually resort to this remedy, he does not write a sensational courtroom scene into the end of his novel, as Howells would do in *A Modern Instance*.¹² In the final pages of *Portrait*, Isabel does not take back the vows she has solemnly bestowed—and we sense that she never will.

By 1911, James appears to have struck a different balance between the opposing claims of the Individual and Society. That year he would advise his friend Edith Wharton to obtain a divorce from her mentally unstable and unpredictable husband, Teddy, who had subjected her to considerable anguish for years. "[W]ith the recurrence of scenes of violence you must insist on saving your life by a separate existence," he wrote to her in July of that year. "You must *trancher* at all costs. Those scenes are by the nature of the case recurrent," he observed, "— & on that you must take your stand" (*EW* 182). Two years later, after she obtained a divorce from a French court, he wrote her that he "delight[ed] in . . . [her] definite liberation, signed & sealed (oh blest consummation!)" (251–52).¹³

In 1881, however, James could not bring himself to endorse divorce as a solution for his unhappy heroine—could not imagine a "separate existence" for Isabel. Near the end of *Portrait*, Isabel acts upon the Countess Gemini's advice and, in defiance of Osmond's wishes, rushes to the bedside of her dying cousin in England. But James brings Isabel only to this tentative break with Osmond. In the final pages of the novel, we find her anxiously reflecting upon her obligations as a wife, struggling to convince herself that she should return to her spouse:

She had a husband in a foreign city, counting the hours of her absence; in such a case one needed an excellent motive. He was not one of the best husbands, but that didn't alter the case. Certain obligations were involved in the very fact of marriage, and were quite independent of the quality of enjoyment extracted from it. (*PL* 626)

The ambiguity surrounding the word “motive” captures Isabel’s conflicted feelings about her union: although it appears that Isabel needs an “excellent motive” to remain in England while her husband waits impatiently for her to return to Rome, the passage also suggests that she needs an excellent reason to go back to him. The compulsory and violent language that James uses to describe Isabel’s conception of marriage further conveys her anxiety about returning to Osmond. In this passage, as earlier in the novel, Isabel reviews her conjugal obligations in an effort to convince herself that she ought to perform them.

Just at this moment, though, Isabel’s frustratingly persistent American suitor Caspar Goodwood arrives and begins pleading with her to come away with him and to forget her husband. “Why should you go back—why should you go through that ghastly form?” he asks her:

What have you to care about? You’ve no children; that perhaps would be an obstacle. As it is you’ve nothing to consider. You must save what you can of your life; you mustn’t lose it all simply because you’ve lost a part. It would be an insult to you to assume that you care for the look of the thing, for what people will say, for the bottomless idiocy of the world. We’ve nothing to do with all that; we’re quite out of it; we look at things as they are. You took the great step in coming away; the next is nothing; it’s the natural one. I swear, as I stand here, that a woman deliberately made to suffer is justified in anything in life—in going down into the streets if that will help her! I know how you suffer, and that’s why I’m here. (635)

It is not clear whether Caspar wants Isabel to obtain a divorce or wants her simply to engage in an illicit relationship with him, but his proposal threatens her marriage either way. In his view, a woman, like her, who is “made to suffer” is justified in doing “anything.” “We can do absolutely as we please” (635), he insists, articulating an even more extreme version of the philosophy that Henrietta introduces one hundred pages earlier. His proposal, however, does not offer Isabel a way out of her dilemma. Caspar has always threatened Isabel’s freedom. Now, as before, he seeks to take “possession” of her (636). By presenting Caspar as the only alternative to Osmond, the novel significantly diminishes the appeal of Isabel’s contemplated flight.

Although it seems fairly clear that Isabel will return to Osmond, she darts out of the portrait’s frame at the end before we can be certain of the final steps that she will take. She leaves us forever in the moment of running away, poised on the brink of a decision. The novel remains poised between alternatives in much the same way that Isabel does.¹⁴ Acknowledging the power of Henrietta’s

subversive suggestion to Isabel even as it attempts to prevent the journalist from articulating her argument, the novel makes visible contradictory strains in American culture as well as tensions in James's own ideas about marriage. In *Portrait*, James resists the idea of dissolving the conjugal tie at the same time that he continually reaches toward it.

NOTES

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¹The key arguments in the debates are found in *Divorce*; "Mrs. Elizabeth Cady Stanton's Address"; Stanton; Stanton, Anthony, and Gage (716–22, 738–40, 860–61); and Woolsey. For an overview of the divorce debates in nineteenth-century America, see Barnett (33–61); Basch (68–93); Blake (80–115); Cott (105–11); and Gordon (840–46).

²For other examples of this strain in the critical literature, see Holland (41–42); Niemtzw; and White (68–69). Some scholars simply sidestep the issue altogether, noting that "in the 1870s divorce was not really an option for a woman" (Fowler 77; see also Bell 88). Critics have, by contrast, been attentive to the ways in which divorce informs James's later works. In his seminal study of the marriage plot in Anglo-American fiction, for example, Boone observes that James "spent his novelistic career plotting fictions that chipped away at the constraints imposed on theme and form by the marriage tradition" (186), but he discusses *Portrait* only in passing, noting that this novel gestures toward the more open-ended plots that James would construct in his later fiction. In discussing the plight of James's eponymous heroine in *What Maisie Knew* (1897)—a novel that begins with a brief but powerful account of litigation culminating in the divorce of Maisie's parents—Theroux, too, reminds us of James's interest in the dissolution of the marriage vow (7–8). Other critics have drawn more subtle connections between James's late fiction and the divorce court. Leckie, for example, offers suggestive links between the epistemological questions that figured significantly in late-nineteenth-century divorce trials and the problems of knowledge that underlie James's depiction of marital discord in *The Golden Bowl* (1904) (Leckie 154–201; see also Tintner 258–62).

³The pioneering study of "the American divorce novel" is Barnett. Barnett, however, discusses only "novels in which divorce actually occurs or is specifically indicated," and he limits his texts to those "written by American authors utilizing American characters and usually American scenes" (12, 10). By defining this sub-genre too narrowly, Barnett leaves out important texts, such as *Portrait*.

⁴The provisions of this Act remained intact until 1923 (Stone 388–401). Isabel, though, could not obtain legal redress in England anyway, as she has not lived in England with Osmond and thus would not come within the reach of the English courts.

⁵For an overview of American divorce law in the first half of the nineteenth century, see Basch (43–67) and Blake (48–63).

⁶For Henry James Sr.'s dispute with Greeley, see Blake (82–86) and *Love, Marriage and Divorce*. For a discussion of the elder James's changing ideas about marriage and divorce and their influence upon his son, see Habegger, "Bostonians" (323–42); Habegger, "Woman" (179–80); and Niemtzw (377–80).

⁷Henry James Sr. viewed Woolsey's treatise as a "hopeless plea for a return to the Christian law of divorce." "I am persuaded, for my own part," he wrote, "that the only hope of good men like President Woolsey, who cherish purity and order in the sexual relations, and are, therefore, utterly bewildered by any present outlook in that direction, is in looking forwards, not backwards. These great ends are to be promoted, not by any legislation whatever, but only by the increased energy and diffusion of the social sentiment" ("Woman Thou Gavest" 70; see also "Logic"). On the role of law in the elder James's thought, see Hartog (246–47).

⁸MacComb exaggerates the availability of divorce in the western states in late-nineteenth-century America, overlooking the conservative backlash that took place after 1870 (*Tales* 69).

⁹It is unclear, when James alludes to his "Father's *Marriage* paper," whether he is referring to his father's second essay, "Is Marriage Holy?," which appeared in the March 1870 issue of the *Atlantic Monthly*, or to his father's first essay, "The Woman Thou Gavest with Me," which appeared in the January 1870 issue. James was abroad during this period and may not have seen a copy of his father's second essay before he wrote this letter to William. Both of the *Atlantic* essays, however, convey the elder James's view of the sanctity and permanence of marriage.

¹⁰Nineteenth-century English novels also rarely present divorce as a solution for unhappy wives. As Humpherys has shown, most English texts—at least until the last few decades of the nineteenth century—resolve the problem of marital conflict through the death of one of the spouses, without raising the possibility of a legal remedy. When the novels depict divorces or separations, the

results are usually disastrous for women (42–56). Only in the sensation fiction of the 1860s and '70s do English authors experiment with more subversive possibilities, such as bigamy (Chase and Levenson 201–13; Humpherys 45). For an insightful discussion of the influence of the English divorce court and the emerging doctrine of “mental cruelty” on George Eliot’s fiction, see Dowling. Although Eliot’s unhappy heroines do not leave their husbands, her novels nonetheless shed light, as Dowling astutely shows, on the psychological dimension of marital conflict (322–36), providing a precedent for James’s own study of conjugal discord.

¹¹Thomas similarly argues that in *The Bostonians* (1886) James “challenges those radicals who demanded that husband and wife be considered free and equal contracting parties, like those entering into a business contract” (736). “Rather than use the business contract as a model for reforming the marriage contract,” Thomas explains, “[James] uses the imbalances that critics noted in the marriage contract to suggest that such imbalances inhabit *all* exchanges.” For an insightful discussion of the blurring of sexual and economic relations in Edith Wharton’s divorce fiction and in late-nineteenth- and early-twentieth-century American culture more generally, see Bentley (160–211).

¹²In a diary entry for August 18, 1882, Howells noted that he and James had walked home together that day through the streets of London, James “talking to me most of the way about *A Mod*. Instance, wh. he is reading” (LFL 173). The following day, on August 19, James sent Howells a quick note about the latter’s work. “Your novel is admirable to the end, (which I haven’t quite reached,) of an extraordinary reality,” he wrote to Howells. “I will talk to you about it. It is the Yankee *Romola!*” (223–24). James’s ambiguous comment offers no insight into his view of Howells’s treatment of divorce, although he evidently discerned a similarity between Howells’s work and George Eliot’s novel because of their shared concern with adultery and marital discord.

¹³Wharton obtained her divorce because of Teddy’s adultery (Johnson 949). In urging Wharton to obtain legal redress, however, James alludes only to Teddy’s cruelty. The violence in Wharton’s marriage to which James refers appears to have been emotional, rather than physical. James followed all of Wharton’s marital troubles closely and offered her unflinching support (see *EW* 101, 108, 131, 183).

¹⁴Critics have long struggled to make sense of the novel’s ending. In suggesting that Isabel’s decision to return to Osmond signals an “acceptance of suffering” (Fowler 78) and a realization that marriage does not necessarily bring happiness (Stein 138–39), Fowler and Stein overlook the novel’s deep concerns about Isabel’s unhappy union. MacComb, on the other hand, reads the ending too optimistically, arguing that Isabel’s “return [to Osmond] promises the sort of engagement and negotiation that might win an equality within marriage” (*Tales* 77). Both of these positions underestimate the novel’s profound disenchantment with and critique of Isabel’s marriage.

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