

Reflections on Family Law

Author : Albertina Antognini

Date : May 11, 2020

Jia Tolentino, [Trick Mirror: Reflections on Self-Delusion](#) (2019).

For those of us who spend any appreciable amount of time online—and lately, that is likely many of us—it has been difficult to miss [Jia Tolentino](#)'s recently published book, *Trick Mirror: Reflections on Self-Delusion*, which has enjoyed some measure of digital fame, appearing even on [President Obama](#)'s Instagram "[Favorite Books of 2019](#)" post. Despite its renown, it is perhaps not yet a "must read" for family law scholars and teachers, which is the genesis for this Jot: it is a book I liked lots, with a number of less-than-obvious connections to, and implications for, family law.

The book is organized into nine different essays that survey a series of contemporary topics ranging from the Fyre Festival debacle, as symptomatic of the modern economic condition, to the history of the University of Virginia, Tolentino's alma mater, as it relates to sexual assault on campus. Tolentino is a beautiful writer—her sentences are tightly coiled around key insights and her cleverness never gets in the way of her clarity or coherence. In carrying us outside of the terrain of legal texts, *Trick Mirror* provides a novel vantage point from which to consider themes that lie at the core of family law. I focus here in particular on how Tolentino mines the ubiquity of performance in our public and private lives—her essays follow its stronghold from marriage, to social media, to the lack of meaningful representation. Questions of performance similarly permeate family law, plaguing its very existence: inquiries into performance have the power to decide what families are and which families matter at the same time that they can expose it all as a sham, revealing the whole system to be "no more than a sustained pattern of conduct."¹

Trick Mirror most legibly concerns family law in its final essay, "I Thee Dread," which addresses the legal and social implications of marriage as Tolentino explores her own decision not to marry. In fewer than 30 pages, Tolentino summarizes the gamut of family law insights on marriage: the gendered weight of history in claiming who counts as a wife, the invention of numerous traditions (including how white took hold as the color of a bridal dress and how a bride became the metonym for a princess quite literally when [Queen Victoria](#) married Prince Albert "in a formal white gown trimmed with orange blossoms" thereby sealing "the symbolic link between 'bride' and 'royalty'"), and the aspirational, albeit reductive, qualities that attend the present-day wedding (which have "intensif[ied] into the idea of a wedding as a 'sort of Everywoman's coronation'"). (Pp. 268-69.) While family-law-informed readers will not stumble over Tolentino's casual invocation of the term "coverture," they might be intrigued by some of the connections she makes between weddings, reality TV, and class mobility, which meet their flamboyant apex in the show [Who Wants to Marry a Multi-Millionaire?](#) (P. 283.) As Tolentino catalogues, however, love and money are linked at every juncture, even if less ostentatiously—from marriage as a vehicle through which to ascend to the upper-middle class (P. 274), to the cost of the wedding itself, to the price tag attached to mere attendance ("I have spent, at a bare minimum, at least \$35,000 on weddings to date"). (P. 282.)

Tolentino also makes a convincing case for how a wedding sets the stage for a lifelong performance, casting women as eternal brides in their own lives. "Expectations of bridal beauty have collided with the wellness industry," Tolentino argues, to create "a massive dark star of obligation." (P. 274.) She describes the female condition in a world saturated by Instagram, self-actualization, and barre classes. Performance collides with technology over social media, creating a perfect storm where "[s]elfhood buckles." (P. 15.) While technology has broadened the ways in which women can, for example, become more beautiful, "[w]e still know surprisingly little about, say, hormonal birth control pills, and why they make so many of the one hundred million women around the world who take them feel awful," just as we have failed to better "our wages, our childcare system, [or] our political representation." (Pp. 93-94.) "[T]echnology," Tolentino submits, "has made us less than oppositional." (P. 93.)

The advent of technology exposes well-trod foundational fault lines—have we advanced in ways that trap us in old and familiar patterns? Various family law contexts present this paradox, as attempts to secure rights to assisted reproductive technology reveal.² Contemporary feminism, updated and amplified on the Internet, offers an analogous puzzle: has equality been achieved when “instead of being counseled by mid-century magazines to spend time and money trying to be more radiant for our husbands, we can now counsel one another to do all the same things but *for ourselves?*” (P. 81.)

Tolentino writes about the inescapability of performance with precision when it comes to the practice of weddings and, in particular, the practice of being a heterosexual woman. She captures the tragicomic plight of the modern millennial who questions the desirability and suitability of entering an institution that involves guests “get[ting] up in the middle of their frisée salads to thrash around to a [Bruno Mars](#) cover” (P. 268) at the same time that it is, really, “the only period in a woman’s life where she is universally and unconditionally encouraged to conduct everything on her terms.” (P. 289.) Tolentino is, however, considerably less skeptical in discussing the legalization of same-sex marriage, and celebrates the [Supreme Court](#)’s decision in [Obergefell v. Hodges](#), wholly and unproblematically. Confident that “gay marriage brings the institution into its viable future,” Tolentino embraces weddings that invert traditional heteronormative performances, without pausing to wonder whether the institution itself might contain any intractable, disciplining attributes.³

The predicament Tolentino raises over and over again is whether we are even capable of seeing, given how we have been conditioned, nearly imperceptibly, to accept the way things appear to be. Tolentino turns to literature to expose how our eye has been shaped, and in the process, shrouded. Summarizing novel after novel, she shows that the “female condition” presented is “one of whiteness and confinement” and “[t]he heroine’s text tells us that, at best, under a minimum of structural constrictions, women are still mostly pulverized by their own lives.” (P. 128.) The baseline set by literary classics conceals the differences that exist outside those works; a “numbing sense of asymmetry” ensues for those who are excluded. (P. 127.) The solution Tolentino ultimately offers is procedural—she can only uncover the mechanisms through which we have been acclimated to accept inequality writ large.

Gender, race, and class are buried in literature as they are in family law. Family law scholars have then, by necessity, been attentive to the ways these categories affect not only the regulation of families, but the antecedent question of who counts as a family in the first instance, and who can claim regulation by the rules of family law.⁴ *Trick Mirror*’s reliance on analysis helps to underscore the importance of questioning texts that we receive as inherited wisdom—be they literary, social, or legal—and in so doing highlights the commonality of the endeavor we are engaged in. And that, I liked lots.

1. [Ariela R. Dubler](#), [Wifely Behavior: A Legal History of Acting Married](#), 100 **Colum. L. Rev.** 957, 1009 (2000).
2. See [Michael Boucai](#), [Is Assisted Procreation an LGBT Right?](#), 2016 **Wis. L. Rev.** 1065, 1069 (2016) (identifying how “ARTs reinforce some very conventional kinship norms, even as they enable the creation of undeniably ‘modern’ families”).
3. See [Melissa Murray](#), [Marriage as Punishment](#), 112 **Colum. L. Rev.** 1, 6 (2012) (“The history of marriage as punishment [] suggests the totality of state regulation of sex and sexuality.”).
4. See, e.g., [Khiara M. Bridges](#), [Family Law](#), **The Oxford Handbook of Law & Humanities** 465, 466 (2019) (“the poor frequently do not have the occasion to come into contact with the laws around marriage and divorce that structure the families of those with class privilege” and so “the family law that largely concerns the poor treats the families under its jurisdictions quite differently from the family law that largely concerns those who are not poor”).

Cite as: Albertina Antognini, *Reflections on Family Law*, JOTWELL (May 11, 2020) (reviewing Jia Tolentino, **Trick Mirror: Reflections on Self-Delusion** (2019)), <https://family.jotwell.com/reflections-on-family-law/>.