The Court Archive:
Love on Trial: Alienation of Affection and Criminal Conversation

Samuel Wheeler, Ph.D.
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Long before television soap operas, reality shows, or TMZ, Americans followed romantic scandals in open court. Judges presided over bitter love triangles, and juries weighed scandalous testimony about infidelity and betrayal, while newspapers printed every humiliating detail for gossip-hungry readers. A century ago, broken hearts were not merely private tragedies; they often became legal claims that resulted in large financial awards.

These cases arose under a group of legal doctrines known as "heart balm" actions, most notably alienation of affection and criminal conversation. Together, they allowed a wronged spouse to sue a third party for destroying a marriage. In the nineteenth and early twentieth centuries, most states allowed such lawsuits. To prevail in an alienation of affection suit, a plaintiff had to prove that a loving marriage had once existed but due to the malicious actions of the defendant, it had been destroyed. Criminal conversation required something more salacious: proof of sexual relations between the defendant and the plaintiff's spouse.

These lawsuits were rooted in English common law and developed at a time when marriage was treated not simply as a private emotional bond but as a protected social and economic institution. When affection was "stolen," courts awarded damages. These cases were also public by design. Testimony spilled into newspapers, turning failed marriages into courtroom spectacles and profitable entertainment.

Few cases illustrate this better than a lawsuit that began in Springfield in 1907. Mary Reavely sued Clara Harris, a well-known brothel owner, for both alienation of affection and criminal conversation, alleging that Harris had enticed away her husband, John Scott Reavely. Mary Reavely sought $10,000 in damages. On the eve of opening arguments, a local newspaper promised "some of the most sensational testimony ever heard in Sangamon County."

The public was not disappointed. Witnesses described secret late-night visits, threatening phone calls, and alleged bribery attempts. Mary Reavely testified that she peered into a window at Harris's "disorderly house" and saw her husband lying on a bed while the defendant lovingly embraced him. At one point, tensions nearly erupted into a physical confrontation involving John

Scott Reavely and Mary Reavely's attorney. By the end of the proceedings, the newspaper concluded that both sides had thrown "considerable mud at the opposing party."

The all-male jury sided with Mary Reavely, awarding her $5,000 (more than $175,000 today). Harris appealed unsuccessfully, first to the Appellate Court and then to the Illinois Supreme Court. In *Reavely v. Harris*, 239 Ill. 526 (1909), the justices treated both causes of action as legally routine, focusing their opinion entirely on evidence and procedure, while making no comment on morality or broken hearts. The verdict stood.

The victory proved largely symbolic. The law could punish interference with a marriage, but it could not save one. Mary Reavely divorced her husband later that year. A year and three days later, John Scott Reavely married Clara Harris. The couple soon left Springfield for California, where they remained together until Harris's death in 1926.

By the 1930s, public attitudes had shifted. Reformers condemned heart-balm suits as legalized gossip and tools for extortion. Although Illinois lawmakers tried repeatedly to abolish them, the courts initially resisted. In 2016, Illinois finally eliminated heart-balm actions altogether, replacing courtroom melodrama with no-fault divorce and mediation. Today, only five states allow such cases.