

BARRIERS AND BOUNDARIES: EXPLORING EMOTION IN THE LAW OF THE FAMILY

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I. INTRODUCTION

In this paper, I take as my subject of inquiry the organizing assumption of this conference. Despite the fact that law and the emotions research has begun to flourish as a disciplinary and interdisciplinary endeavor, and despite the fact that family law seems positively rife with emotion, the role of emotion in family law has been under-investigated. It has actually lagged behind work that has been done in other areas, such as criminal law, where emotion is very much on the surface of the human interactions at stake and is sometimes an explicit focus of doctrine. This paper develops a series of explanations for this gap, and sketches an agenda for research that is designed to address it. One of the most interesting discoveries I have made as I have investigated this question is that the barriers to the investigation of emotion within family law are, in some ways, different from the barriers to a focus on emotion that have emerged in many other areas of law.¹ In this paper, I argue that it will be valuable to family law to gain a better understanding of the barriers that have played a role in this particular field. Although it is clear that interest in the emotions is growing within family law—work on law and the emotions begin done particularly by younger family law scholars, such as Clare Huntington and Angel Maldonado,² is beginning

¹ This is an interesting revelation, jurisprudentially speaking: I had assumed that the reasons for resistance to the study of emotion in law were largely epistemological (i.e., they were about preserving the law's claim to various forms of objectivity), or grounded in some sense of appropriate limits on law's intervention in the human personality, and that such reasons therefore had a consistent configuration across different areas of law. Discovering variation in this doctrinal area has led me wonder there may be constellations of arguments, embodying forms of resistance to the study of emotions in law, that differ from field to field.

² See e.g., Clare Huntington, *Repairing Family Law*, 57 DUKE L.J. 101 (2008); Solangel Maldonado, *Cultivating Forgiveness: Reducing Hostility and Conflict after Divorce*, 43 WAKE FORREST L. REV. 441 (2008).

to garner attention—these reasons nonetheless remain important. They preview the kinds of explicit resistance, and more implicit deflection or misdirection, law and emotions scholars may experience as we move forward with this inquiry. These bases of resistance may also show us what is at stake—what we stand to gain through this line of inquiry—as well as how we might approach the laws governing to families differently, in order to facilitate that goal.

II. CURRENTS OF INVESTIGATION, SITES OF RESISTANCE

To gain a better grasp of these sources of resistance, I will begin by situating them in the development of law and emotions scholarship as a whole. In a piece that I'm writing with Prof. Hila Keren on the genealogy of law and emotions scholarship, we argue that law and emotions work has had three different currents or dimensions.³ Although these currents emerged at different times, chronologically, at this point they operate contemporaneously in this body of work, and sometimes within the frame of a single article or inquiry. For purposes of this paper, I will describe these three currents by with a set of alliterative labels: recognition, reconnaissance, and regulation.⁴ The "recognition" current was the first out of the gate: this work argued that emotion played an often unacknowledged but salient role, both in transactions governed by law (contract, employment, and the like) and, more controversially, in legal decisionmaking itself.⁵ This work goes at least back to the late 1980s, and reflects an important intersection with feminist and related critical scholarship emphasizing the critique of objectivity in law,⁶ or the role of relational or affectively inflected thinking in legal

³ Kathryn Abrams & Hila Keren, *The Normative Turn in Law and Emotions Scholarship* (draft on file with authors).

⁴ In selecting these labels, I am describing these types of scholarship as they might be perceived or undertaken by legal scholars. For those in philosophy, psychology, or neuroscience, for example, "recognition" of emotion might not be such a noteworthy development (though recognition of its operation in a particular context might be); the metaphor of reconnaissance might not be so apt, because they are working within their own fields rather than gathering intelligence from outside the boundaries of their own discipline; and "regulation" might not be a disciplinary priority.

⁵ See e.g., Martha Minow & Elizabeth V. Spelman, *Passion for Justice*, 10 CARDOZO L. REV. 37 (1988); Marjorie Shultz and Angela Harris, *A(nother) Critique of Pure Reason*, 45 STAN. L. REV. 1773 (1993); Judith Resnik, *On the Bias: A Feminist Reconsideration of Aspirations for Our Judges*, 61 S. CAL. L. REV. 1877 (1988).

⁶ See e.g., Martha Minow, *The Supreme Court 1986 Term, Foreword: Justice Engendered*, 101 HARV. L. REV. 10 (1987) (feminist critique of legal objectivity); Patricia Williams, *The Obliging Shell*, 87 MICH. L. REV. 2128 (1989) (critical race critique of legal objectivity).

decisionmaking.⁷ It was given a crucial assist by scholarship done by actual sitting jurists such as Justice Brennan,⁸ or Wisconsin State Supreme Court Justice Shirley Abrahamson,⁹ who talked about the role that emotion played in their own decisionmaking. Not that the citadel of legal rationality was surrendered so easily—to this day many legal scholars retain important doubts about the relevance and role of emotion in law that have continued to surface in response to other dimensions of this scholarship.¹⁰ But once the initial rounds in that battle had occurred and prompted at least some recognition that emotion was germane to the functioning and study of law, a number of scholars proceeded to the next stage, which I'll call "reconnaissance."

In this current, scholars ventured out from law into fields where the emotions had a much longer history of theoretical and empirical investigation; they drew from these fields understandings that could inform the law's engagement with particular emotions. Clare Huntington's investigation of the cycle of love-hate-guilt-repair in the work of Melanie Klein,¹¹ or Angel Maldonado's work on forgiveness,¹² or either of their papers for this conference, has this dimension, as well as others. This research in this kind of scholarship has frequently been interdisciplinary: scholars like William Miller,¹³ Martha Nussbaum¹⁴ and Dan Kahan¹⁵ drew on other, sometimes a series of other, disciplines to inform thinking about the law. This work was often emotion-focused—

⁷ See e.g. Leslie Bender, *From Gender Difference to Feminist Solidarity: Using Carol Gilligan and an Ethic of Care in Law*, 15 VT. L. REV. 1 (1990); Carrie Menkel-Meadow, *Portia in a Different Voice: Speculations on a Women's Lawyering Process*, 1 BERKELEY WOMEN'S L. J. 39 (1985).

⁸ William Brennan, *Reason, Passion, and "The Progress of the Law,"* 10 CARDOZO L. REV. 3 (1988).

⁹ See Resnik, *supra* note 5, at 1929-32 (citing The Hon. Shirley S. Abrahamson, *The Woman Has Robes: Four Questions*, 14 GOLDEN GATE L. REV. 489, 492-94 (1984)).

¹⁰ See e.g., The Hon. Richard Posner, *Emotion Versus Emotionalism in Law*, in THE PASSIONS OF LAW (Susan Bandes ed., 1999); Owen Fiss, *Reason in All Its Splendor*, 56 BROOK. L. REV. 789 (1990)

¹¹ Clare Huntington, *supra* note 2.

¹² See Maldonado, *supra* note 2.

¹³ See e.g., WILLIAM MILLER, THE ANATOMY OF DISGUST (1997) (drawing on philosophy, psychology, anthropology and literature, *inter alia*, to illuminate contours of the emotion of disgust).

¹⁴ See e.g., MARTHA NUSSBAUM, HIDING FROM HUMANITY (2004); Martha Nussbaum, *The Secret Sewers of Vice: Disgust, Bodies, and the Law*, in PASSIONS OF LAW 19, *supra* note 10 (drawing on philosophy, literature, psychology, object relations theory).

¹⁵ Dan Kahan, *The Progressive Appropriation of Disgust*, in PASSIONS OF LAW 20, *supra* note 10 (drawing on psychology, norms theory).

that is, it highlighted a particular emotion such as fear¹⁶ or disgust¹⁷ and asked how it had been analyzed in psychology or sociology or philosophy or literature or neuroscience. And in the early stages of such work, this research was often oriented toward the negative emotions, perhaps because emotions such as fear, disgust, vengeance or remorse played a visible role in the criminal law, so there was less resistance to acknowledging their role or investigating them.

The third current, which I'm here going to call "regulation" is still in its early stages. It is a turn toward the task of normative prescription. In scholarship of this type, legal academics ask what particular insights about the emotions entail for the redirection of the law in particular areas. I use the term "regulation" not to refer to legislation or administrative regulation per se, but to refer to a kind of legal intervention which has a more specific character. Early work that investigated particular emotions was addressed to very broad normative questions, or questions of legal intervention. "Should disgust play a role in criminal law?" was a central one,¹⁸ for example. Professor Keren and I argue that as we come to understand more about emotions, and the role they play both in the various domains of legal decisionmaking, the question isn't so much should or shouldn't a particular emotion be recognized through law but how, when, and—perhaps most importantly --through what kinds of legal interventions.¹⁹ We argue that there are many different ways that law can engage or affect the emotions—it can for example express or reflect them, channel them, script them, cultivate them, and destroy them²⁰—and there are a number of different legal expedients through which it can produce these effects. And it can do so by a range of legal instrumentalities such as judicial decisions, legislative or regulatory prescriptions or prohibitions, legally-established institutions (such as the local Head Start projects we examine in an article we've written on hope)²¹ and legally-mandated programs (such as the the forgiveness education programs Angel Maldonado has written about about). Prof. Keren and I argue that it is crucial that legal scholars begin to take this normative turn, toward more specific types of legal intervention, because it's here that the rubber really meets the road, in terms of using interdisciplinary scholarship on the emotions to shape the ways in which legal actors respond. It has some of the challenges that

¹⁶ See e.g., William Miller, *Fear, Weak Legs and Running Away: A Soldier's Story*, in *PASSIONS OF LAW* 241, *supra* note 10; Rachel Moran, *Fear: A Story in Three Parts*, 69 *MO. L. REV.* 1013 (2004). See also CASS SUNSTEIN, *THE LAWS OF FEAR: BEYOND THE PRECAUTIONARY PRINCIPLE* (2005).

¹⁷ See MILLER, *supra* note 13; NUSSBAUM, *supra* note 13; Kahan, *supra* note 15.

¹⁸ Compare Nussbaum, *supra* note 14 with Kahan, *supra* note 15.

¹⁹ Abrams & Keren, *Repair*, *supra* note 3.

²⁰ Abrams & Keren, *Repair*, *supra* note 3, at Part II.B.

²¹ See Kathryn Abrams & Hila Keren, *Law in the Cultivation of Hope*, 95 *CAL. L. REV.* 319 (2007).

Clare Huntington's paper describes, because some of this work from other disciplines is descriptive or analytic rather than normative.²² But it's through this kind of work that we make knowledge related to the emotions not something exotic or other, but another tool that one uses to improve the way law engages the lives of its subjects.

Now there's been a fairly consistent story, a stock story if you will, about the kind of resistance that's emerged to this law and emotions-based research. It occurs primarily in relation to the first current (recognition) and the third current (regulation). There can be objections to reconnaissance scholarship, to be sure—they might relate to whether a legal scholar has sufficiently deep understanding of the cognate discipline in question to be able to draw on it (sometimes addressed through additional graduate level training or co-authorship), and whether one discipline provides better insight into the character or function of emotions than another. But where most of the contestation has occurred is with respect to recognition, and, more recently, regulation.

The arguments with respect to recognition had two interrelated dimensions. The first was that the interactions or transactions governed by law were not characterized by strong affective dimensions—contracts were impersonal, arms-length transactions, employment was a question of performing particular tasks and being assessed according to meritocratic standards—so looking at emotion in these domains was analyzing something extrinsic and not integral to the activity.²³ But more important was an argument about law, apart from the character of the transactions to be regulated, legal decisionmaking was a realm which derived its character or at least its legitimacy from its objectivity, meaning not just its neutrality (in the sense of impartiality)²⁴ but its disengagement from powerful potentially-distortive feelings, and from particulars.²⁵ These were forms of distance, disengagement and universality that emotion threatened to disturb. Scholarship within the first current addressed these arguments in various ways, but these rationalist or objectivist assumptions continue to echo and resurface.²⁶

²² See Clare Huntington, *Happy Families*, *infra* note 83.

²³ See Catherine Fiske, *Humiliation at Work*, 8 WM. & MARY J. WOMEN & L. 73 (2001).

²⁴ See Resnik, *On The Bias*, *supra* note 5 (arguing for political independence of judiciary).

²⁵ See e.g., Owen Fiss, *Reason in All Its Splendor*, 56 BROOK. L. REV. 789 (1990).

²⁶ One interesting manifestation of this objectivist assumption is law's fascination with the neurosciences, which are not only one of the most rapidly growing and illuminating areas of research on emotion and cognition, which seem to embody a kind of scientific objectivity that is consistent with law's traditional aspirations for itself. For examples of works questioning the degree to which the epistemic privilege enjoyed by science will induce lawyers to cede

These two kinds of objections interact in particular ways: they're likely to be at their strongest where the non-affective character of the transaction parallels the non-affective character of legal decisionmaking. They're likely to be less forceful in cases where the transaction to be regulated by law is clearly affectively infused—as in the criminal law.

There are another set of objections that arise in relation to scholarship that undertakes more regulatory goals. These objections are less familiar because this focus in law and emotions scholarship is newer. They concern the appropriateness of law, in general, as a tool for engaging the emotions. And they seem to be clustering around two kinds of concerns. One is concerned with inappropriate or ominous intrusion: these critics equate law intervention in affective states with a form of “mind control,” a kind of capacity to touch the core of our humanity that we don't want to surrender to government, or law.²⁷ Another is in a sense the mirror image of this concern: not that legal regulation will become too intrusive, but that it won't really touch the emotions at all. Critics here highlight the possibility that legal intervention will produce not change in feeling states but inauthentic manifestations of emotion served up for legal delectation.²⁸ These arguments needn't be contradictory: one can view the palid, inauthentic emotion that critics fear will be manufactured in the face of legal demand, as a way of protecting the inner sanctum of genuine feeling which law shouldn't be approaching in the first place.

III. THE DISTINCTIVE TERRAIN OF FAMILY LAW

In the case of family law, we see departures from these general patterns that I see as noteworthy. We might expect, for example, that family law might function similarly to criminal law, in its amenability to law and emotions analysis. Both are, after all areas that are different from contract or employment: they are areas in which it's difficult to gainsay the role of emotion. Emotion is present on the face of a range of interactions—it's typical, rather than exceptional, for the particular domain. Many examples of doctrine—particularly in the family law areas of divorce and custody—take explicit account of the emotional

ground to neuroscientists, or restructure legal assumptions in accordance with their findings, see Jeffrey Rosen, *The Brain on the Stand*, N.Y. TIMES MAG., March 11, 2007 (raising spectre of systematic change); Susan Wolf, *Neurolaw: The Big Question*, 8 AM. J. BIOETHICS 21(2008) (posing and critiquing this possible development).

²⁷ See Rachel Moran, *Law and Emotion, Love and Hate*, 11 J. CONTEMP. LEG. ISS. 747 (2001) (describing this argument in the context of regulating hate speech, where connections to First Amendment concerns regarding “thought control” are strong).

²⁸ Carol Sanger, *The Role and Reality of Emotions in Law*, 8 WM. & MARY J. WOMEN & L. 107, 110-13 (2001).

distress of various parties. Yet, as I mentioned at the outset, while law and emotions scholarship focused on the criminal law has been flourishing for more than a decade, law and emotions scholarship focused on the family is still relatively new and intermittent. The reasons why highlight some of the distinctive barriers, or distinctive features of resistance, in this area.

A. BARRIERS TO THE RECOGNITION OF EMOTIONS IN THE FAMILY

Many of these distinctive features relate to the concept of boundaries, the most salient of which is the public/private divide. The distinction between criminal law and family law tracks the distinction between public and private, or, in the terms of feminist legal theory, the “separate spheres” that constituted that famous 19th century ideology.²⁹ While you might think that this would militate in favor of recognizing emotion in the domain of family law, it hasn’t always worked out that way. To begin with, family law scholars have probably been deterred from exploring the emotions by the possibility it would exacerbate what they see as the stigmatization of an already-gendered field. Those who work in the comparatively virile world of criminal law—we’re talking here about law enforcement, on the one hand, or the defense of murderers, arsonists and the like, on the other—may sense that they have enough masculine capital to venture into what may be perceived as a “softer” (i.e., affective, relational) side of legal analysis. But, as my colleague Melissa Murray pithily put it, when this analysis is undertaken by scholars already working in a highly gendered area, “we might as well be sitting around braiding each others’ hair.”³⁰

Moreover the ‘private’ character of the family domain has in some ways distanced us from the tools necessary to analyze its affective dimensions. The criminal law is a law of the public domain. Many crimes—particularly paradigmatic crimes such as murder, robbery or arson—occur in public. It is the state which vindicates public norms—and as many readily accept, expresses public emotions—as it calls perpetrators to account. The emotions that are most prominent within the criminal law—indignation, disgust, vengeance, even remorse or the contested pseudo-emotion of “closure”³¹—are emotions we are accustomed to airing before others, and that we have established forms

²⁹ For an excellent discussion of this ideology see Joan Williams, *Deconstructing Gender*, 87 MICH. L. REV. 797 (1989).

³⁰ Murray, I hasten to add, is a strong supporter of such work; however, she retains what I regard as a healthy respect for the negative judgments it may still engender.

³¹ For a lively discussion of the contested character and surprising influence of this pseudo-emotion, by one of the originators of law and emotions scholarship, see Susan Bandes, *Narrative, Emotion and Victim Impact Statements*, 63 U. CHI. L. REV. 361 (1996).

of discourse for discussing in public settings.³² Family law is, in contrast, the law that is most particular to the private domain. Its feeling states, like its distinctive relations and practices, have tended to be shielded from public view, both by the fact that we lead family lives behind the closed doors of our homes, and by the privacy that the law accords to intact families. Some of the feelings that infuse family life—feelings such as jealousy, despair, or many of the emotion states associated with sexuality (elevation, loss, guilt, fear)—are associated with intimacy and even with shame, which makes their public iteration, or the idea of engaging them through law, particularly difficult. So there may be difficulty seeing and acknowledging the emotions that infuse family life; but perhaps more crucially, even when we see them, we may find it awkward, or counterintuitive to pair them with the forms of public discourse that are connected with legal analysis.

Another implication of this distinction is that the family—for all the advances of gender equality—remains imbued with certain qualities that the “ideology of the separate spheres” ascribes to the realm of “domesticity.”³³ By this I mean not that families have the roles or configurations that led 19th century commentators to wax eloquent about the “angel of the house.” I believe that we’re beginning to see the emergence of a new ideology—or at least a new culture—of domesticity, which has implications that I discuss below.³⁴ But it is also the case that traditional ideas about families, particularly intact families, die hard, or at least leave traces: this is particularly true when we think about the emotions that infuse family life. The sphere of the family is still gendered feminine: as a matter of belief and commitment, if not always as a matter of description, it is infused with the qualities of love, care and concern we have historically ascribed to women, regardless of who is doing the actual labor. Consequently, our understanding of the affective content of that domain, the emotions that we are likely to find there, is likely to be gendered feminine as well.³⁵ This has important implications for the recognition of emotion in the family law area. It means that when we are able to recognize emotions within the “domestic” realm, we are likely to see some emotions readily and have difficulty recognizing others. The emotions that we are most likely to associate with families, and to perceive when we see families in action, are the emotions that coincide with domestic notions of feminine nurturance. As Clare Huntington has argued, this has meant that we’re more likely to see love

³² Martha Nussbaum makes this point explicitly with respect to indignation, although she argues it does not apply so readily to disgust. See Nussbaum, *supra* note 14.

³³ For a wonderful discussion of past and current incarnations of the ideology of domesticity, see JOAN WILLIAMS, UNBENDING GENDER 1-20 (1999).

³⁴ See discussion of the work of Brenda Cossman, *infra* note 63.

³⁵ For a trenchant discussion of how specific emotions are gendered, see Angela Harris, Love, Etc., (draft on file with author).

than hate, as a matter of course.³⁶ We're less likely to focus on anger, because as Rachel Moran has argued, anger is not associated with women—she describes it as the one emotion we don't expect women to manifest or perhaps even experience.³⁷ To extend this logic, there are a whole range of emotions that pervade family life, but because of our instinctive gendering of the domestic sphere, we are less likely to see: not just anger, but vengeance, resentment, jealousy (not only of extramarital liaisons, but of one's spouse leisure or one's children's flourishing), loneliness, desire (definitely not something we're acculturated to see readily in women). There are also the emotions of fear, despair, humiliation—which as I'll argue below get tend to get isolated away from the main currents of family law. The dichotomous kinds of thinking characteristic of the public/private divide in law, and separate spheres ideology in the field of gender, may also inhibit awareness of emotional patterns that are complex, ambivalent or change over time. So we might recognize love in functional or intact families, hate in dysfunctional or non-intact families, but not cycles of love-hate-guilt-repair in all families, or movement from pain or breach or hatred to forgiveness in divorce.³⁸ This may mean that when legal scholars are able to see emotion in the family realm, we may get more attention to single emotions that to the affective patterns, cycles, and dynamics that psychology, sociology and mind sciences tell us are also important.

So what is the consequence of this domesticity-induced affective myopia? Rather than taking emotions, full-stop, off the analytic radar screen, as might have occurred for example in contract law, the separate-spheres assumptions that apply to the family have taken *certain kinds of emotions* or emotional dynamics off the radar screen. We may know, sociologically speaking, that the home is no longer—if it ever was—the “haven in the heartless world”; it is more likely to feel like work, as Arlie Hochschild tells us, than our actual work does.³⁹ But when it comes to seeing emotion in the family, we are still likely to be subject to domesticity-induced blinders. To complicate matters, the some of the emotions we *are* able to see, as I explain below, are emotions in which we may feel less comfortable intervening with the instrumentality of the law.

Our ability to recognize the range of emotions that infuse family life is also impeded by a second kind of boundary: the arbitrary way that legal doctrine relating to the family has been structured. Let's return here to the emotions of despair, fear, and humiliation that I mentioned a moment ago. These are everyday occurrences in the lives of many

³⁶ Huntington, *Repair*, *supra* note 2.

³⁷ See Rachel Moran, *Law and Emotion*, *supra* note 27.

³⁸ See e.g., Huntington, *Repair*, *supra* note 2; Maldonado, *supra* note 2.

³⁹ See ARLIE HOCHSCHILD, *THE TIME BIND* (1996).

families—as psychological literature makes clear—but we don't necessarily see them that way when we look at family law. The fact that family law tends not to regulate intact families after the moment of entry into marriage⁴⁰ means that divorce is the context in which family law, and family law scholars, tend to encounter hatred, as well as humiliation, fear and despair. This separation within the doctrine of family law may mean that we pathologize the occurrence of these emotions in the family and fail to see them as threads that run, in varying ways, throughout family life. This has important implications when we think about ameliorating emotional life within the family: if we aren't able to see how such emotions infuse the lives of intact families, we may not have the opportunity to investigate, for example, the factors make some versions of such emotions destabilizing and some not.⁴¹

Perhaps more important is the fact that these family-related emotions may be found in their strongest forms, in doctrinal areas that area actually distinct from family law. If you think about family lives lived in fear, you might think of spousal or child abuse. While these patterns can be, and are, grounds for divorce, as a doctrinal matter, we tend to confront such families more frequently in criminal or child welfare law. Another face of familial fear is those families for whom every knock at the door might be an official of ICE, and might mean immediate deportation or separation of parents from children.⁴² But that would be immigration law (or increasingly employment or labor law), rather than family law. If you think of despair, you might think of a 15 year old who gives birth silently in a bathroom and disposes of the newborn in a dumpster⁴³—but that would be the criminal law of infanticide. Or the mother who finds herself increasingly unable to feed her children on food stamps, or her minimum wage job, or pay for childcare as she transitions from public assistance to work,⁴⁴ but that would be welfare law. A new generation of family law scholars, led by people like Kerry Abrams, Melissa Murray, and Jeannie Suk have begun to challenge the

⁴⁰ For a discussion of this characteristic of family law, and a comparison of the comparatively intensive regulation of both entry into marriage and life within marriage under immigration law, see Kerry Abrams, *supra* note 45.

⁴¹ See Frank Fincham, *Forgiveness*, 16 VA. J. SOC. POL'Y & L. 357 (2009) (discussing effective v. ineffective forgiveness); Philip Shaver, *What's Love Got to Do with It*, 16 VA. J. SOC. POL'Y & L. 491 (2009) (discussing stable v. unstable anger).

⁴² See e.g., Roberto Lovato, *Juan Crow in Georgia*, THE NATION, May 26, 2008; Kerry Abrams, *Family as an Instrument of Abjection*, Utah L. Rev. (forthcoming 2009) (describing impact of ICE raids on families that include undocumented immigrants).

⁴³ See e.g., Michelle Oberman, *Understanding Infanticide in Context: Mothers Who Kill, 1870-1930 and Today*, 92 J. CRIM. L. & CRIMINOLOGY 707 (2001).

⁴⁴ See KATHRYN EDIN & LAURA LEIN, MAKING ENDS MEET: HOW SINGLE MOTHERS SURVIVE WELFARE AND LOW-WAGE WORK (1997).

boundaries of family law,⁴⁵ and to explore its deep interpenetration and mutual influence with other doctrinal areas.⁴⁶ But the artificial separations between the particular doctrinal areas that touch family life—the fact that they are not only governed by different bodies of law, but are also litigated by different lawyers, and investigated by different groups of scholars—produce several kinds of effects.

This doctrinal division of the law governing families may lead family law scholars—or more general legal audiences—to believe that emotions such as fear, despair or humiliation are the province of particular kinds of families: those comprehended by immigration or welfare or criminal law. This may lead to an underinvestigation of such emotions, based on what sociologists have referred the “sociopolitical economy of emotion.”⁴⁷ Most of us don’t attend equally to the affective states of all groups: it is one dimension of sociopolitical privilege that one’s affective states become a matter of broad concern.⁴⁸ Emotions like fear and despair dominate the family lives of groups whose affective lives tend to receive far less notice—and to be inappropriately pathologized when they are analyzed. When the law governing the lives of these families comes to be confined to doctrinal areas⁴⁹ that are separate from the law governing the lives of more privileged families, scholars become even less able to see these groups and to explore their affective states.

This separation also prevents legal scholars from understanding the ways that such emotions infuse the lives of many different kinds of families. Fear may be most distinctively the province of the

⁴⁵ See e.g., Kerry Abrams, *IMMIGRATION LAW AND THE REGULATION OF MARRIAGE*, 91 MINN. L. REV. 1625 (2007) (discussing interpenetration of family law and immigration law); Melissa Murray, *The Networked Family: Reframing the Legal Understanding of Caregiving and Caregivers*, 94 VA L. REV. 385 (2008) (discussing interpenetration of family law and criminal law); Jeannie Suk, *Criminal Law Comes Home*, 116 YALE L.J. 2 (2006) (same, with particular focus on domestic violence).

⁴⁶ Clare Huntington’s paper also reflects this tendency, by asking questions about tax policy or immigration law or education law as vehicles for affecting the flourishing of families. And the papers for this conference authored by those in psychology also envision their trajectory into a range of legal fields.

⁴⁷ For a thoughtful discussion of this economy, see Rachel Moran, *Law and Emotion*, *supra* note 27.

⁴⁸ I witnessed one of the most humorous examples of this dynamic several years ago, when I was sitting in a busy restaurant. The service was poor, and several of us at adjacent tables had not *seen* a server for a long time. Finally a middle aged man, in an expensive looking suit, blurted out— with transparent confidence in the centrality of his affective states—“No one’s paid attention to me in 10 minutes!”

⁴⁹ See Kerry Abrams, *Immigration Law and the Regulation of Marriage*, *supra* note 45.

undocumented immigrant or the woman experiencing intimate violence. But this emotion is also present in the life an economically privileged woman whose husband has left her for another woman: she now has to navigate life without a partner, and perhaps return to workplace she left 20 years ago, on the birth of her first child.⁵⁰ When we don't see this manifestation as well, we miss the opportunity to reflect on what the juxtaposition of such cases reveals about the emotion. The division and diffusion of the law regulating family life means that we may neglect the more extreme examples of such emotions, and fail to take account of their broader and more quotidian manifestations. As a result, we risk misunderstanding both.⁵¹

B. BARRIERS TO REGULATION OF EMOTION IN THE FAMILY

Gradually, with the work of scholars such as those writing for this conference, awareness of the emotions that infuse family life will reach the legal mainstream—though it is likely to be deferred and deflected by the factors I mention above. And those who recognize such emotions can make use of the abundant and sophisticated research that is emerging from related disciplines concerning particular emotions, and emotional dynamics. Yet when legal scholars contemplate using these insights to effect particular legal interventions—when they make the kind of normative turn Clare Huntington is proposing⁵²—another set of barriers are likely to arise.

The familiar source of resistance that I mentioned at the outset—the notion that emotion is an integral facet of human personality which may be best preserved from interference by law—affects the domain of family law as well. But family law's location on the domesticized side of the public/private divide has produced some iterations of this resistance that are distinct to this area. The whole idea of the public/private divide is that we expect those activities that occupy the private side will be more insulated from intervention simply by virtue of this location (and often we mean here an actual physical location, the home). We hold to this view even when there are other claims we could advance against governmental intervention. Consider the Court's argumentation in the homosexual sodomy cases: despite the fact that much of the argument centered on whether a particular act or form of intimacy was deserving

⁵⁰ See Joan Williams, *Do Wives Own Half?*, 32 CONN. L. REV. 249 (2000) (discussing division of property in high profile, high income divorce cases).

⁵¹ This pattern interestingly parallels the way that emotion itself is treated in more objectivist literatures: as an occasional departure from rationality, rather than as an ongoing feature of cognitive life the full recognition of which would reconstruct our accounts of rationality. For an example of the former kind of conceptualization, see Eric A. Posner, *Law and the Emotions*, 89 GEO. L.J. 1977 (2001).

⁵² See Huntington, *Happy Families*, *infra* note 83.

of due process protections, several members of the Court found additional support for their impulse toward protection by the fact that the act was performed within the confines of the home.⁵³ There are more particularized arguments or intuitions that arise when we contemplate legal intervention in the emotions of the family: two that are specific to the positive emotions that arise in family life, and a third that is more broadly to a range of emotions, including negative emotions.

The positive emotions, particularly those most strongly gendered feminine—such as love—are perceived to be at risk of being “sullied” by the intervention of the law. Like the “natural and proper timidity” that was imperiled by involvement with the “occupations of civil life,”⁵⁴ some legal scholars believe that love risks being contaminated by its association with the market or the law. One of the most interesting controversies in the family law literature is the debate over the commodification of women’s labor in the home.⁵⁵ We’re talking here about the valuation of women’s family labor as an instrument for supporting women in the division of property on divorce (as in the controversial *Wendt* case)⁵⁶ as well as broader efforts to raise consciousness about women’s familial contributions by framing them in the discourse of economics.⁵⁷ These efforts have met with a surprising amount of resistance, among legal decisionmakers, including women, and among some feminists.⁵⁸ Part of this resistance involves suspicion of the imperialistic tendencies of economics, which often seems to crowd out other forms of valuation.⁵⁹ But part of this suspicion arises simply from the intervention of law in intimate positive emotions such as love. Family law scholars are familiar with *Borelli v. Brusseau*,⁶⁰ in which a court declined to enforce an agreement in which an elderly husband agreed to provide his younger wife a substantial amount of money and property in exchange for caring for him at home, rather than placing him

⁵³ See e.g., *Lawrence v. Texas* 539 U.S. 558 (2003); *Bowers v. Hardwick*, 478 U.S. 186, 199 (Blackmun dissent).

⁵⁴ *Bradwell v. Illinois*, 83 U.S. 130 (1873) (Bradley, J., concurring) (upholding Illinois’ denial of Myra Bradwell’s application to join the Illinois bar).

⁵⁵ See e.g., Katharine Silbaugh, *Turning Labor into Love: Housework and the Law*, 91 NW. U. L. REV. 1 (1996).

⁵⁶ See Williams, *supra* note 50.

⁵⁷ Recent newspaper piece describing what at-home mom and wife would receive in the market, for her labor.

⁵⁸ On of the areas in which commodification of women’s labor has been most hotly contested by feminist scholars is surrogacy. See e.g., DEBRA SATZ, *WHY SOME THINGS SHOULD NOT BE FOR SALE: ON THE LIMITS OF MARKETS* (2008); Elizabeth Anderson, *Is Women’s Labor a Commodity*, in *ETHICS IN PRACTICE: AN ANTHOLOGY* 187 (Hugh LaFollette ed., 2002).

⁵⁹ See Katherine Silbaugh, *Commodification and Women’s Household Labor*, 9 *YALE J.L. & FEMINISM* 81 (1997) (describing feminist anxiety about imperialist tendencies of economics).

⁶⁰ *Borelli v. Brusseau*, 16 Cal. Rptr. 2d 16 (Cal. App. 1993).

in a care facility. Officially the court found a lack of consideration for the agreement—the plaintiff was simply doing what wives are obliged by their affective and marital bonds to do for their husbands; but it also voiced anxiety about the cold, rational hand of the law becoming involved in expressions of intimate commitment between spouses.⁶¹ Law and emotions scholars proposing to intervene in familial affection may thus confront anxiety about contagion—a fear that legal or economic discourse would infuse and transform intimate emotions—as well as discomfort with the notion of hybridity—the coexistence of affective and legal or economic understandings of a particular phenomenon—that some scholars have offered as a kind of answer.⁶²

Moreover, if we can address this objection based on substantive boundaries, we we face another based on the absence of any boundaries at all. Once we turn to legal intervention to facilitate the emergence of positive emotions in family life, it's hard to envision any logical stopping point. Clare Huntington's paper makes one version of this point—that if you're fostering happiness or flourishing in the family, the list of possible modes or even sites of intervention becomes virtually endless: not only might the family itself be beset by programs to cultivate love, empathy hope or forgiveness; but employment, public benefits and education law and policy offer important secondary contexts for emotion-based regulation. This proliferation of sites for legal intervention is likely to induce a particularly vertiginous, and negative, response in those who fear the advent of a systematically legalized, or worse, bureaucratized, family life.

Finally, and perhaps most provocatively: the ideology of domesticity is not static. Although our contemporary lives are shaped by its historic traces, in the ways I've described, it is constantly morphing and changing under our gaze. Recent cultural studies of the family suggest the emergence of a contemporary account of domestic life, which may be different but seems equally resistant to legal or governmental intervention. One of the most interesting books I've read in recent years on cultural shifts in the understanding of family life is Brenda Cossman's *Sexual Citizens*.⁶³ Cossman is writing, nominally, about the regulation of sexuality, but the dimensions of sexual life that she's primarily concerned about—entering the institution of marriage, adhering or failing to adhere to marital fidelity, conceiving, bearing and providing for children—are all within the domain we would identify as

⁶¹ The court held that it "[did] not believe that marriages would be fostered by a rule that encouraged sickbed bargaining. . . . Such negotiations are antithetical to the institution of marriage." *See id.*, at 20.

⁶² *See* MARGARET JANE RADIN, *CONTESTED COMMODITIES* (1996); Silbaugh, *Commodification*, *supra* note 59.

⁶³ BRENDA COSSMAN, *SEXUAL CITIZENS: THE LEGAL AND CULTURAL REGULATION OF SEX AND BELONGING* (2007).

family law. Cossman's argument is that over the past several decades we've experienced a "responsibilization" or "projectification" of family roles⁶⁴: that is, it is increasingly understood to be our responsibility as conforming individual citizens to see that these dimensions of our lives are closely and successfully managed.⁶⁵ That is, we are expected to make a systematically absorbing "project" out of the task of making our partnership, or marriage or parenting as good as it can possibly be. In this effort we are assisted by a range of self-help experts and pundits who deploy print and electronic media to offer guidance and enlist a virtual community to provide support, and peer pressure, for this endeavor. We are judged, as citizens, by the extent to which we succeed at this responsibilization, and the state intervenes primarily on our failure to do so, which is an exceptional and stigmatizing moment that marks us as "bad citizens." If Cossman is even partially correct, her account has important implications for resistance to legal intervention in the emotions of the family.

First, the new cultural regime that she describes means that management of the emotions of family life has become private not simply as a matter of right, but as a matter of responsibility. This cultural construction of family life that makes state intervention, even in support of family emotions, anomalous. It's like looking for governmental support for doing your homework, or keeping your children's clothes clean. While this responsibilization is undertaken by parents and spouses of both sexes, it is notable in its suitability to a dominant cultural image of the 21st century woman—the professionally- capable, yet still domestically-attuned woman. Sarah Palin doesn't need help managing even the unruliest emotions of her family. She's a good citizen, meaning the capable, private manager of her family's affective lives.⁶⁶ That's why as a mother she can support the teen pregnancy of her daughter, but as governor she can cut programs that support teen moms.⁶⁷ This image, and this emerging "ideology" suggests that the prospect of governmental

⁶⁴ See COSSMAN, *supra* note 63. These awkward and cumbersome terms may be intended to suggest the strangeness or artificiality of making one's family life into a project that one might pursue like gardening or pastry-making.

⁶⁵ See COSSMAN, *supra* note 63, at 12-14.

⁶⁶ Presumably if she could not manage these familial emotions and conundra by herself, she would be a less praiseworthy citizen from the frame of this emerging ideology. So long as Sarah Palin supports her daughter in privatizing the dependency, and non-conforming behavior represented by her teen pregnancy, within the confines of a new nuclear family, the new regime of domesticity would have nothing but praise for Palin, and for Bristol, as citizens. However, if Palin were to allow Bristol *not* to marry the father of her child, and to turn to the state for assistance in supporting that child, the judgment would be markedly different. See COSSMAN, *supra* note 63, at 115-19.

⁶⁷ Josh Gerstein, *Rights Group Sees 'Discrepancy' in Palin Stance*, N.Y. SUN TIMES, Sept. 5, 2008, at 4.

intervention in the emotional lives of families may arouse not simply legal but cultural or political resistance.

But perhaps more to the point, this regime has configured the governmental role in a way that is dramatically opposed to what we might need if we were to contemplate a more systematic legal intervention in family emotions. As Cossman makes quite clear, the law is not absent: it plays a salient background role in this process of “responsibilization.” It promotes market relations, helping to “reconstitut[e] individual subjects into market actors and citizen consumers.”⁶⁸ It preserves legal categories such as adultery, though they may be rarely enforced, to create a backdrop for processes of self- and cultural regulation of marital fidelity.⁶⁹ Its most conspicuous role is the kind of harsh, stigmatizing, but notably infrequent, discipline it imposes on those who fail to regulate themselves—figures such as deadbeat dads and women who conceive children without the financial means to raise them.⁷⁰ These intermittent, vehement efforts to incite the process of self-policing contrast sharply with the kind of ongoing, programmatic, ameliorative role we might envision for law in the support of family emotion.

IV. CROSSING BOUNDARIES: STRATEGIES FOR FUTURE SCHOLARSHIP

Let’s assume that we take seriously the arguments I have made above: that notwithstanding the very promising efforts of a small group of law and emotions scholars to bring particular emotions to attention and argue for programmatic legal intervention, we face a range of influences that have in some cases impeded and in some cases inappropriately channeled the exploration of the relation between law and emotions in the area of family. The constructions of the domestic realm that have created many of these problems in recognition of emotion also threaten—in more updated form—to interfere with efforts to address these emotions through legal or broader governmental intervention. We should now consider what kind of a research agenda, or strategy for scholarship, might help to promote this ongoing work, and mitigate these impediments. Many dimensions of this strategy involve challenging the boundaries that have isolated, domesticized, and domesticated, this important work.

First, we need to challenge the kinds of boundaries that have impeded recognition of family-related emotions in legal work. This involves attention, first, to those often-negative, and distinctly non-feminine emotions, which not be authorized by the ideology of domesticity. It involves attention, second, to the ways that those

⁶⁸ COSSMAN, *supra* note 63, at 16.

⁶⁹ COSSMAN, *supra* note 63.

⁷⁰ COSSMAN, *supra* note 63, at 115-58.

emotions emerge in a range of different families—those facing the threat of deportation, or struggling with poverty or embroiled in the criminal or juvenile justice systems, as well as those leading at least temporarily middle-class lives in which the greatest threat may be marital breakdown. In both of these efforts, our partners working in the fields of psychology or related behavioral or mind sciences may be critical allies. The boundaries that I describe—between love and hate, or between family law and immigration law are features of our doctrinal regime relating to families, and of the ideology that surrounds it. Although I would not claim that science is value free, these particular boundaries do not seem to function in the same way in the psychological and related research.

It was through her work in the psychoanalytic theories of Melanie Klein that Clare Huntington came to the conclusion that we need to see not just love but hate, guilt and repair in the lives of intact and divorcing families.⁷¹ And bodies of work such as Frank Fincham's investigation of forgiveness,⁷² or Philip Shaver's research on attachment,⁷³ explore both the positive and negative manifestations of these emotion states—unforgiveness and forgiveness, secure and insecure attachment. Angel Maldonado's work (which applies this vital research on forgiveness) demonstrates something important for future work in this area: that positive and negative emotions may not be as sharply separated in the family domain as in other areas of law.⁷⁴ In some areas of the criminal law, for example, the goal is to express or engender a negative emotion—such as indignation or disgust or even in some cases vengeance. Thus legal action serves to perpetuate a negative emotion. In contrast, family law a focus on a negative emotion, at the level of recognition, is usually connected to an effort to ameliorate it or transform it into a positive emotion, at the level of regulation or intervention.

A second way in which legal scholars' collaboration with psychologists and other mind scientists might be useful is to identify connections between families whose life circumstances tend to place them in different doctrinal worlds. What are the differences and similarities between the way fear manifests itself in families that include undocumented immigrants, and in families encountering divorce? How are processes of attachment affected when a parent is sent to prison, and how is this similar or different to the way that attachment is affected by a

⁷¹ See Huntington, *Repair*, *supra* note 2.

⁷² See e.g., Frank Fincham, *Forgiveness: Integral to close relationships and inimical to justice?* 16 VA. J. SOC. POL'Y & L. 357 (2009).

⁷³ See e.g., Philip Shaver, *What's Love Got to Do with It? Insecurity and Anger in Attachment Relationships*, 16 VA. J. SOC. POL'Y & L. 491 (2009).

⁷⁴ See Maldonado, *Cultivating Forgiveness*, *supra* note 2 (proposing to use forgiveness education to transform negative into positive emotions).

parent's deportation, or for that matter by a divorce? Research into the emergence and quality of emotions in different familial context may help us to move across the boundaries that doctrinal divisions create.

Next, when it comes to the question of "regulation," or legal intervention in the emotions, there are at least two kinds of work to be done. The first is to clarify and elaborate the kinds of legal interventions that might be entailed by a focus on family emotions. As we acknowledge that the *substantive law* relating to families entails doctrinal areas beyond than the traditional family issues of marriage, divorce, property allocation, custody and adoption,⁷⁵ we need to see that *family law intervention* entails more than court orders that restructure the lives of families. "Law" encompasses programmatic initiatives and institutions established and regulated by federal or state law—whether they be pilot programs on forgiveness education⁷⁶ or full scale projects such as Head Start.⁷⁷ It includes state statutes or municipal ordinances, such as those that protect or deny certain social and economic rights to undocumented immigrants. It includes diversion programs incorporated into the criminal justice system—whether experimental programs in restorative justice or the more established framework of juvenile justice. When we become aware of the range of interventions that could function as the tools of legal actors, we may reap two kinds of benefits as regards law and emotions work.

First, the range of governmental actors, and the minimally intrusive character of some of these legal vehicles, may ease the concerns about the specter of "mind control" that have sometimes been aroused by this work. It is true that the possibilities for intervention may seem dauntingly abundant—a point made by Clare Huntington in her paper.⁷⁸ But they may also be more varied and less intrusive in the area of family law than in some other legal fields. Interventions aimed at affective response in this area need not be undertaken by what we think of as the most coercive actors in the legal system: the courts. Moreover, many are not directive as regards the emotions: they seek to ease the severity of negative emotions or encourage the development of positive emotions, rather than demand the performance of particular emotions, such as we

⁷⁵ This includes not only the areas of immigration law, criminal law, and poverty law, that I have mentioned above; it also means fields that may not even be understood as legal doctrine, *per se* but as occupying the intersection of law and policy: public health, education, welfare.

⁷⁶ See Maldonado, *Cultivating Forgiveness*, *supra* note 2; Maldonado, *Taking Account of Children's Emotions*, 16 VA. J. SOC. POL'Y & L. 443 (2009).

⁷⁷ See Kathryn Abrams & Hila Keren, *Law in the Cultivation of Hope*, *supra* note 21 (discussing Head Start as a program that cultivated hope in parents of enrolled children).

⁷⁸ See Huntington, *Happy Families*, *infra* note 84 (discussing downsides of normative intervention).

see in the area of criminal sentencing. Participation in programs aimed at cultivating forgiveness, for example may be voluntary rather than mandatory; interventions may entail something as modest as the counseling that Mark Leary recommends regarding egoistic overreactions to undesired events.⁷⁹

Second, understanding the breadth of possible 'legal' intervention, permits us to see more opportunities for collaboration *at the intervention phase*, between legal actors and the psychologists, sociologists, and other scholars whose research is informing our understanding of emotions. For example, social scientists, who have a more limited role as expert witnesses in an adjudicative context, can be fuller partners as we begin to experiment with programs and institutions aimed at supporting particular kinds of emotional responses. Ongoing psychological research, of the type that will inform all of us as this conference, is helping legal actors to understand how emotions, and different emotional patterns and trajectories unfold in family life. We also need empirical research into existing and proposed programmatic interventions that bear on the affective dimensions of family life. Legal actors need to draw on, and perhaps collaborate in the design of research about how different kinds of interventions—existing or proposed—can affect such emotions. Take, for example, the forgiveness education programs that Angel Maldonado has proposed to implement for adults following divorce, and that at this conference she will be considering for children of divorce.⁸⁰ We need to know how these programs work and, to take one issue Frank Fincham has highlighted, whether their results extend beyond the self-reporting of feelings of forgiveness to change behavior or outcomes in relationships.⁸¹ This kind of investigation will not only help us make informed programmatic choices. Research that compares particular initiatives to the *status quo ex ante*, or a present programmatic regime to a proposed regime has the additional benefit of demonstrating the ways in which the law is already implicated, not simply in the ostensibly private lives of families, but in family members' emotional lives.

A final challenge is to address the newly emerging culture of domesticity: the culture of "responsibilization" that may impede our ability to address family emotions through legal or governmental intervention. This will be an interesting challenge because this emerging conception is more a product of culture or politics than either law or social science. But I see ways in which legal scholars and psychologists

⁷⁹ Mark Leary, *Losing Perspective*, 16 Va. J. Soc. Pol'y & Law 425 (2009).

⁸⁰ Maldonado, *Cultivating Forgiveness*, *supra* note 27; Maldonado, *Taking Account of Children's Emotions*, Virginia Journal of Social Policy and the Law Symposium: Law and Emotion (Sept. 12-19, 2008).

⁸¹ Frank Fincham, *Forgiveness: Integral to Close Relationships and Inimical to Justice?*, Virginia Journal of Social Policy and the Law Symposium: Law and Emotion (Sept. 12-19, 2008).

can intervene to disrupt this distinctive privatization of the family realm. First, those working in psychology can use their own research to critique the kinds of guidance regarding family emotions that is being provided through mass-market self-help books and talk radio broadcasting. At a time when sophisticated, methodologically rigorous research into family emotions is flourishing, it seems like a lost opportunity to adopt a view of family regulation that places Dr. Phil or Dr. Laura or Oprah Winfrey (for all her virtues) in the driver's seat. While it may be true that governance through the social—through social institutions, supported disciplinarily by the social sciences—is being displaced by governance through the cultural—through relations of consumption and mass mediatized culture⁸²—this is one area where that transition seems to likely to produce flawed answers, and should be resisted. Those of us working in the legal area can challenge the vision of law or government's role that underlies this cultural shift. The suggestion that the ordinary operations of government or law serve primarily to constitute citizens as consumers and private family managers reflects a disturbingly thin and atomized notion of collective political life. The depiction of the government's more affirmative role—as imposing stigma and censure when citizens (almost inevitably) fail at their assigned tasks—also unsettling, as it imposes hierarchizing judgment without offering affective guidance or material support. The many programmatic routes through which law is capable of intervening in the emotions may point toward an alternative, of a governmental role that works as an adjunct to the self-governance of families: supporting their affective lives (as well as their concrete, material circumstances) with well-researched initiatives that help them to exercise their responsibility in productive ways. Clare Huntington's vision of a government supporting the flourishing of families⁸³ provides one example of a starting point from which law and emotions scholars might begin to elaborate this role.

V. CONCLUSION

Investigation of the role of emotions in the family law has been impeded by a variety of factors, many of which are specific to this area of law. Though we are beginning to see the emergence of a body of exciting research in this area, understanding these factors remains important because they may continue to cloud our apprehension of certain categories of family emotions, and may erect unwarranted

⁸² See Austin Sarat & Jonathan Simon, *Cultural Analysis, Cultural Studies, and the Situation of Legal Scholarship*, in *CULTURAL ANALYSIS, CULTURAL STUDIES AND THE LAW: MOVING BEYOND LEGAL REALISM I* (Austin Sarat ed., 2001).

⁸³ Clare Huntington, *Happy Families? Positive Psychology and Family Law*, Virginia Journal of Social Policy and the Law Symposium: Law and Emotion (Sept. 12-19, 2008).

barriers to legal intervention. Fortunately, interrogating the ideological and doctrinal boundaries that have shaped prevailing understandings of emotion in the family may permit us to move beyond them; and the distinctive range of legal intervention which is possible in this area may help to diffuse resistance. Legal scholars and social and behavioral scientists can work together to accomplish these goals.