

“LOVE, HATE AND REPARATION”¹

Clare Huntington*

It is widely accepted that the natural cycle of human intimacy is to love another, inevitably experience a transgression with the other (rooted in the hate and aggression we all feel, even toward those we love), feel guilt about the transgression, and then seek to repair the damage. Humans experience this cycle repeatedly throughout their lifetimes, with transgressions ranging from the minor, such as a parent raising her voice to a child, to the more egregious, such as an extramarital affair. This article argues that the legal process embodied in the substance, procedure, and practice of family law is fundamentally at odds with the human process of love, hate, guilt, and reparation. In contexts as far-ranging as child welfare, divorce, and adoption, family law is predicated on a binary model of love and hate, omitting the key elements of guilt and the drive to reparation. With this omission, family law short circuits the natural cycle of intimacy, greatly diminishing the opportunity for reparations among family members. This article proposes an alternative model for family law that would incorporate and encourage the human tendency toward reparation.

¹ My title is taken from the volume reprinting lectures given by Melanie Klein and Joan Riviere in 1936. See MELANIE KLEIN & JOAN RIVIERE, LOVE, HATE AND REPARATION (1964). These lectures were the seminal works for the concept of a cycle of love, hate, guilt, and reparation that is now widely accepted as an apt description of human intimacy and is the subject of this article.

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