

Parental alienation: internal briefing for Women's Aid Network

Overview

Women's Aid services may have come across the terms 'parental alienation' or 'parental alienation syndrome' in the context of child contact. While there is varying interpretation of what these terms mean, generally it has been accepted that 'parental alienation' refers to the unwarranted rejection of the non-resident parent and an alliance with the alienating resident parent. This is characterized by the child's extreme negativity towards the alienated parent due to the deliberate or unintentional actions of the alienating parent so as to adversely affect the relationship with the alienated parent.

This briefing gives an outline of parental alienation, clarifying the distinction between parental alienation (PA) and parental alienation syndrome (PAS). It provides an overview of the main criticisms of PA/PAS theoretical frameworks and the impact of PA/PAS allegations in the context of domestic abuse. Based on the evidence that a focus on PA/PAS in child contact cases is harmful for women, children and young people experiencing domestic abuse, SWA argues that it is counterproductive for domestic abuse services to use the language of PA to frame behaviour of the perpetrator; rather perpetrators' actions should be defined as a manifestation of coercive control.

What is parental alienation/parental alienation syndrome?

The terms 'parental alienation' and 'parental alienation syndrome' have been used by practitioners since the 1980s, but in recent years have gained increased focus and attention when it comes to child contact cases. While PA and PAS share similar 'theories', they come from distinct standpoints and are therefore outlined separately below.

PAS defines a child's hostility/rejection towards one parent as a psychological disorder. Attention to PAS largely came about due to a psychiatrist called Richard Gardner in the 1980s, who asserted that false child sexual abuse allegations were widespread in custody cases and that 90% of children in custody litigation suffered from a 'disorder', which he called 'parental alienation syndrome' (PAS). He described PAS as a 'syndrome' where vengeful mothers used child abuse allegations as a weapon to punish ex-husbands and ensure custody for themselves (Gardner, 1992a; 1992b). He theorised that such mothers enlisted the children in their 'campaign of denigration' against the father, that they often 'brainwashed' or 'programmed' the children into believing untrue claims of abuse by the father, and that the children then fabricated and contributed their own stories (Gardner, 1992b). In short, Gardner claimed that when children reject their father and they or their

mother make abuse allegations, this behaviour is most likely the product of PAS rather than actual experiences of abuse.

PAS has been thoroughly critiqued as lacking empirical support and has been dismissed as 'junkscience' (Meier, 2013). Firstly, Gardner's assertions were biased, based solely on his own subjective interpretation of data from his clinical practice rather than empirical proof. Gardner's claims have been contradicted by studies that show that in fact, false child abuse allegations in custody cases are rare, and false allegations are most commonly made by anonymous reporters and non-resident parents (usually the father) rather than resident parents (usually the mother) and children (Trocme and Bala, 2005). Worryingly, there is evidence that in spite of the substantive research and evidence against PAS, courts have accepted allegations of PAS without questioning its scientific validity (Meier, 2013).

PA constitutes a shift away from PAS and a reframing of the situation. PA does not approach a child's unwillingness or reluctance to have contact as a 'syndrome' caused primarily by the vendetta of the resident parent. PA focuses on a more realistic assessment of the multiple sources of children's hostility or fear of a parent, including behaviour by both parents and the child's own vulnerabilities (Johnston & Kelly, 2004). Unlike PAS, where the ultimate goal is to reconcile the child with the so-called 'hated' parent (through force if necessary), PA theorists advocate a focus on children's needs rather than parents' rights (Meier, 2013).

However, caution should be taken in viewing PA as a more acceptable or reasoned approach to considering why children do not want to have contact with a particular parent. There is very little empirical evidence about the effect of 'alienation' on a child's emotional and psychological development (Meier, 2013). PA continues to be disputed in research and advocacy circles over the extent to which it is something that can be measured, is caused by a parent and/or has truly harmful effects. Crucially, there is also significant concern around whether PA is simply a new less controversial name for the invalidated PAS (Meier, 2013). As the following section highlights, PA is widely used almost identically to PAS in courts to the detriment of women, children and young people experiencing domestic abuse, raising the question of how necessary it is in practice to differentiate between the two.

Parental alienation in the context of domestic abuse

Despite its less controversial approach, the root of PA theory nonetheless shares a highly problematic assumption with PAS – that abuse allegations are typically merely 'evidence' of one parent's campaign of alienation against the other parent. This is particularly destructive when it comes to cases of contact/custody in the context of domestic abuse and child abuse, where PA allegations against mothers are increasingly being used as a tactic by perpetrators in courts to deny, minimise or counter abuse allegations, effectively silencing women and children and diverting attention away from the perpetrator.

The harm caused to victims of abuse has been highlighted by research into ‘turned around’ cases (cases where a court initially disbelieves that a father is dangerous and, after some harm to the children, a second court corrects the error). The research found that PA labelling of the mother is one of three primary factors leading to an incorrect assessment of the dangers posed by an accused abuser (usually a father) and subsequent contact/residence orders which subjected children to ongoing abuse (to learn more about this research see Joan Meier’s article in the ‘References’ section below).

Other research with women’s aid shelters in Canada found that women are being advised by lawyers not to disclose domestic abuse in their contact cases in order to reduce the risk of being accused of PA. The research found that allegations of PA had increased over the last five years and had had significant consequences on both women’s and children’s safety and wellbeing. Women were actively minimising their experience of domestic abuse, questioning their own actions and sometimes being pressured into decisions that weren’t in their child’s best interests rather than risk losing custody altogether (Lapierre, 2016).

From a child rights perspective, PA risks further undermining the weight given to children’s views. It is evident that children’s views are not always given due weight in contact cases, as children continue to be forced into contact with domestic abuse perpetrators despite being clear that they are afraid of them and do not want to see them. Research indicates that children usually have very well thought out reasons for objecting to contact (Fortin, Hunt and Scanlan, 2012). Courts therefore have a duty to look very carefully at the underlying causes as to why a child does not want contact before making a decision. The PA analysis, in viewing abuse allegations as evidence of one parent’s campaign of alienation against the other, fails to recognise that when children resist contact with the non-resident parent they often do so for their own independently formed reasons.

Framing perpetrator’s behaviours

A key issue for Women’s Aid services is whether to describe a perpetrator’s behaviour as ‘parental alienation’; after all, it is well-known that domestic abuse perpetrators seek to maintain control and dominance by undermining the mother-child relationship, including demeaning the mother in front of children and teaching them not to respect her. So should we be ‘turning the tables’ and highlighting the behaviour of perpetrators as ‘parental alienation’?

WAFNI strongly cautions that using the language of PA in relation to a perpetrator’s actions is not helpful for various reasons:

- As outlined in this briefing, the empirical and theoretical foundations of both PA and PAS have been extensively critiqued and contradicted by researchers and continues to be a highly disputed area. Framing perpetrators’ actions within the context of PA gives

unwarranted validity to a questionable evidence base and undermines the message that PA allegations have harmful consequences for victims of abuse.

- Accusing domestic abuse perpetrators of PA can distract from the impact of domestic abuse on a child, in that harms to children may be wrongly attributed to 'alienation' rather than abuse. This can set up a potentially disastrous dynamic - so long as an abuser can convince a court that the children's attitudes should be labelled 'alienation,' he can benefit from the very impact of his abuse (Meier, 2013).
- Even the more 'reasonable' PA proponents tend to treat PA as a physical or mental disorder instead of a determined course of conduct and tactic of control and abuse by arguing that one parent 'unconsciously' vilifies the other due to their own 'deep psychological issues' (Kelly and Johnston, 2001). Under this framework, accusing a perpetrator of PA runs the risk of 'explaining away' their abusive behaviour on mental health/psychological issues rather than linking it to the gendered analysis of domestic abuse as a cause and consequence of gender inequality.

In contrast, coercive control is an established analysis of domestic abuse which will be made an offence in Northern Ireland by the Domestic Abuse and Family Proceedings Bill currently going through the Assembly; included within the Bill is a recognition of both the perpetrator's use of children to further abuse the adult victim and of the harm this can cause to children.

In order to avoid the issues listed above, WAFNI recommends that when supporting women through child contact cases, perpetrators' behaviours should be firmly placed within the framework of coercive control; rather than discussing their tactics as 'alienation', their manipulation of the child and denigration of the mother should be defined as part of a wider strategy to control both mother and child.

References and further reading

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