Confusion and Controversy in Parental Alienation
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There is considerable confusion and debate about the best way to describe those cases where a child refuses to have further contact with one parent following parental separation. There are advocates for a syndromal approach and advocates for a continuum approach. Moreover, there is often confusion between descriptions and explanations in the relevant literature. Such confusion has caused problems for the courts when evaluating expert evidence. This article reviews the available descriptions and explanatory formulations that have been proposed. It does so in an international context, focusing on the relationship between legal and theoretical issues rather than on how this topic is dealt with within specific legal jurisdictions.

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The experience of children being caught in the crossfire between divorcing parents is a common one and is certainly not new. In family courts, in many countries, it is a staple of the divorce process. What is relatively new is for adults to pay attention to what children themselves say about divorce. This new focus on listening to children reflected a number of wider cultural, social and political developments, epitomised by the passage of 1989 United Nations Declaration on the Rights of the Child. However, in giving children’s views more status within this context, we seem to have inadvertently opened up a novel way in which children can be drawn into the painful divorce process.

Some authors have already begun to address this issue. In 1980, Wallerstein and Kelly (Wallerstein and Kelly 1980) provided an in-depth analysis of the divorce process which incorporated an analysis of cases where children rejected one parent after divorce. In 1985, Gardner (Gardner 1985) described a number of relevant cases that he had encountered whilst engaged in custody assessments for the family court. He argued that in these cases, the children were making patently false accusations of sexual abuse against their fathers which were being used to justify their unwillingness to spend time with those fathers. He claimed that, in such cases, the mother was...
‘brainwashing’ the child to hate and fear his or her father as a means of destroying the relationship between child and parent. Being struck by the similarities between the cases, Gardner suggested that they represented the emergence of a new psychiatric syndrome which he called parental alienation syndrome (PAS).

Not surprisingly, his claims proved to be highly controversial. The criticisms of Gardner’s ideas fall into two main arguments. Unfortunately, these arguments are not always clearly distinguished. The first argument is that PAS simply does not happen and that it has been invented in order to excuse abusive or incompetent parenting. The second argument does not deny the existence of the phenomenon, but disputes some or all of Gardner’s scientific formulation of it.

The Politics of Parental Alienation

The subject of parental alienation within the family court system is, of course, intensely political. To caricature the lay debate, there are two views doing battle here. In one corner are (mostly) men who feel betrayed by their ex-partners and who see the courts and other professionals as devaluing their parenting role (Geldof 2003). In the other corner are (mostly) women who see in this critique of the supposed inadequacies of the family court system a cynical attempt to divert attention away from child abuse. On the contrary, such critics sometimes argue, courts are far too easily persuaded to listen to abusers and to dismiss mothers as ‘crazy’ (Graham 2001). However, the sexual politics around PAS may have lost some of its strength as the sex ratio of alienators in the literature has shifted dramatically. The male/female division in this context is by no means as clear-cut as it once was (Gardner 2001).

In the professional literature, these same themes can be discerned. Some writers do not reject the existence of the problem of parental alienation within the family court system, but argue that it is rare. Such writers are anxious not to give the courts any encouragement to order changes in custody or access in the face of the child’s resistance (Bruch 2001). In other words, they see the idea of PAS as dangerous in the ‘wrong hands’. The danger lies in the licence that the idea of PAS gives for challenging or rejecting the expressed wishes of children.

However, whilst concern about how the courts are dealing with cases of alienated children remains, the idea that a child’s resistance to access can be influenced by factors other than the alienated parent’s behaviour has been widely accepted by legal and mental-health professionals. The debate is now more focused on two main issues; first, whether Gardner’s definition of a new syndrome is valid and useful and, second, whether or when courts should order a change in custody arrangements. This article discusses the first of these issues. A companion article (Clarkson and Clarkson 2006) has already addressed the question of custody change and other management strategies within this context.

The Science of Parental Alienation

A number of writers, particularly from the United States of America, have become very focused on the question of whether Gardner’s formulation of parental alienation
syndrome is a ‘valid’ or ‘scientific’ syndrome. This debate is, in many ways, a pity since the outcome is not necessarily of any great significance. How have such writers been distracted into this cul-de-sac?

First, there has been a debate about the legal admissibility of all scientific evidence over recent years following the Daubert decision (Daubert v Merrell Dow Pharmaceuticals (92–102), 509 U.S.579 [1993]). Courts have been particularly concerned in situations where expert evidence lies close to the issue of the ‘facts of the case’. In the UK, for example, the more recent impact of the Roy Meadows child abuse cases have cast a long shadow over the role of science and of the expert witness within the court setting. Since Gardner’s diagnosis of PAS requires that the diagnostician determines that the alienating parent has behaved ‘badly’, this encroaches specifically on the fact-finding task of the court.

The outcome of Daubert and subsequent decisions has been to confirm that the judge is the gatekeeper of expert evidence (Williams 2001). The process by which scientific validity is determined has occupied the minds of some of the great thinkers of the 20th century and is far from settled. In order to decide the admissibility of scientific evidence, the judge hears arguments from each party. The nature of this winner-takes-all process is at odds with the usual process of science, which leads, instead, towards a consensus. It is possible, therefore, that this process has contributed to the oversimplifications, obfuscations and overstatements that now characterise the literature in this field. We would argue that Gardner’s claims of scientific respectability and his critics’ dismissal of his ideas as ‘junk’ science (Bruch, 2001) are both examples of such overstatements.

Second, there is considerable confusion amongst health professionals about issues of psychiatric classification. This confusion is not unique to the discussion about PAS, but has become common within the psychiatric literature (Haslam 2002). At the risk of oversimplifying the many variations of views in the literature, there appears be a group of writers who see some conditions in psychiatry as having an objective ‘existence’ (‘diagnostic syndromes’, ‘Diagnostic and Statistical Manual of Mental Disorders (DSM) syndromes’, ‘empirically verified syndromes’) and who wish to make it clear that PAS is not one of those conditions (Bruch 2001; Emery 2005). It is certainly true that psychiatric syndromes have varying levels of acceptance and diagnostic reliability. It is also true that PAS has not yet (and may never) become widely accepted. However, it is not true that its scientific status is completely different in kind from other disorders in psychiatry. Only conditions that have a demonstrated organic pathology (for example, Huntington’s disease) have an unassailable ‘objective’ status. Such a status applies to very few conditions in psychiatry. For example, it does not apply even to conditions with widespread acceptance and a large empirical research base, such as depression or schizophrenia.

Most of the criticisms of the scientific status of PAS apply more or less equally to all psychiatric conditions. Inclusion in the DSM in no way settles the question of the validity of any syndrome. Homosexuality, battered women syndrome, occupational overuse syndrome, chronic fatigue syndrome, to name just a few, have all gone through a similar process of debate; some have been accepted, some rejected.
It could be that courts are having trouble when dealing with the question of the scientific status of PAS because the more evidence that they hear the more questions about the scientific basis of the whole of mental health arise. In short, courts cannot come to any satisfactory conclusion on PAS because there is none to be had. The degree to which ‘the syndrome question’ has become dominant and muddled can be seen in the advice that Warshak (Warshak 2003) offers. This advice is to the effect that ‘it may be preferable for experts to avoid the term “syndrome” when testifying’. Such advice may well be pragmatic, but, in fact, whether or not we use the term actually changes nothing.

Third, it is difficult to avoid the suspicion that some of the resistance to Gardner’s hope of scientific respectability is generated by hostility towards him, perhaps generated by a perception that he was an apologist for sexual abuse.

The Future of the Debate

If the courtroom debate has become rather clouded, there will nevertheless need to be some resolution of the key issues of what we call, and how we think about, this complex phenomenon. Warshak suggests that:

Future empirical research should help resolve some of the controversies by providing data on the reliability and validity of PAS, the effectiveness of various interventions, and the long-term course of pathological alienation. (Warshak 2003).

This is a reasonable expectation. However, there are at least some caveats in respect of establishing the validity of the concept. The first of these is that establishing the cause of mental illness has proven to be extremely elusive in general; so much so that both major current classifications, DSM and the International Classification of Diseases (ICD), are purely descriptive. Since Gardner’s PAS involves a specific causation, it fits poorly within current classification systems. Other syndromes in psychiatry which are based on a specific aetiology (such as battered women’s syndrome) have the same problem.

Second, DSM disorders are, without exception, descriptions of symptoms in the individual. Gardner’s formulation is not a description of individual symptoms, but – having included the behaviour of the alienating parent in the definition – rather of an interpersonal process. PAS describes the behaviour of a number of individuals. Whilst the DSM has a separate category of relational problems, these are not considered separate disorders or syndromes.

Over time, family therapists have postulated many patterns of behaviour in families and other groups to which they have given names (e.g. ‘enmeshment’, ‘the parentified child’). However, no classification of family syndromes or diagnoses has yet been accepted as scientifically verified. PAS is likely to suffer the same fate as other interpersonal theories. That fate is to become widely used, but subject to scientific objection (Emery 2005).

Indeed, we suspect that there are too many problems with Gardner’s definition of PAS for it to become widely accepted. Even if it was accepted as useful for the group
to which Gardner intended it to be applied – that is, where one parent is wholly responsible – this would leave out of consideration the vast majority of cases, where the problem cannot be seen entirely as the result of the behaviour of one parent.

Whilst we hesitate to introduce a new term when there are already plenty in use, we prefer the term ‘post-separation parental rejection’ for a number of reasons. First, it is purely descriptive. Second, the words mean what they do in everyday usage. Third, it focuses on the manifest problem. This problem is the child’s rejection of a parent. The term does not include the supposition that it is the one or other parent’s behaviour which is central. Fourth, the term avoids the word ‘alienation’. This is useful since the word has been used in several different ways in the literature and has become confusing. Fifth, it avoids any suggestion of being a discreet syndrome. Sixth, it connects the rejection of the parent to the parents’ separation. This attempts to focus attention on the relationship between the rejection of the parent and the vicissitudes of the parental relationship rather than on the behaviour of one parent. Other terms already in use, such as ‘intractable access’ or ‘implacable hostility’, may gain in usage if the debate around PAS renders the term too troublesome to persist with. However, neither of these terms is as clearly descriptive as post-separation parental rejection. In the meantime, we would prefer to see a greater breadth and richness of perspective on the problem, rather than a continuation of the ad hominem argument.

A Continuum, Not a Syndrome?

Many of the problems with a categorical or syndrome-based classification system disappear when we use a continuum-based classification system instead. Gone are the arguments about who is ‘in’ and who is ‘out’. Gone are any number of ‘either/or’ decisions. Kelly and Johnston’s (2001) reformulation is an example of the continuum concept. At one end of the continuum, the child has an equal preference for both parents and no difficulty with maintaining a good relationship with both. In the middle is the child who prefers one parent; this may be nothing more than a natural affinity for the mother where the child is very young or it may mean being clearly allied with one parent and disapproving of the other. At the other end of the continuum is the situation where a child rejects one parent. Kelly and Johnston (2001) suggest that this may take two forms, one which they call ‘realistic estrangement’, where the alienated parent’s behaviour justifies the child’s avoidance, and the other, which they call ‘pathological alienation’ and is equivalent to Gardner’s PAS, where it does not.

Kelly and Johnston’s reformulation has a good deal to recommend it. However, we see two main problems with it. First, the words ‘estrangement’ and ‘alienation’ are synonyms in everyday usage, and both are more or less antonyms of ‘affinity’ and ‘alliance’. The attempt to turn these into distinct technical terms is likely to lead to major communication problems unless they become widely and accurately used as new technical terms. Second, the continuum does not quite work in that it bifurcates into the two different processes at the severe end. There are two possible solutions to
this problem. One solution is to opt for a second continuum, the other solution is to think in terms of ‘fuzzily’ defined patterns.

The Grid

Instead of a single axis or continuum, greater flexibility is provided by having two axes, or continua with one being a severity continuum and the other a continuum of parental ‘contribution’. At one end of this second continuum lies an abusive rejected parent/wholly ‘innocent’ aligned parent and on the other a wholly ‘innocent’ rejected parent/actively and intensely alienating parent. This allows a middle ground which represents the most common situation where both parents are making a contribution to the problem. The axes form a grid:

The categorical descriptors can be mapped onto such a grid without the need to precisely define them. However, this grid clearly leaves out the child’s own contribution. This is a pity, since the child’s response is important. On the other hand, that response cannot be added without considerably complicating the picture.

Pattern Recognition

Family therapists (and sociologists) are thoroughly familiar with the many problems attendant upon naming and describing complex interpersonal phenomena. Not infrequently in the social and human sciences, such phenomena cannot be precisely defined or measured. Concepts of culture and ethnicity are good examples of this. The former can include any combination of artistic, political, social and economic belief systems or practices. Arguments have raged throughout history about the meaning of culture. The difficulty of definition is nicely captured by the suitably modest and tentative title of TS Eliot’s at attempt at this subject, Notes Towards the

![Figure 1](Post-separation parental rejection grid)
Definition of Culture (Eliot 1949). However, whilst culture is hard to define, there is nevertheless no argument that it does not exist. The same applies to questions of ethnicity, where a ‘Russian doll’ experience of groups within groups can prove bewildering when the subject is addressed in any depth. As with culture, difficulties of definition in relation to ethnicity do not negate the real-world impact of the differences that they relate to.

Interpersonal processes in families may be better treated in a similar way, neither precisely defined nor held to be non-existent as a result of such problems of definition. In this way, post-separation parental rejection can be thought of as a complex interpersonal phenomenon comprising endless variations on the interplay of two main underlying processes.

The first of these processes is equivalent to Kelly and Johnston’s ‘realistic estrangement’. This arises where the principal difficulty lies in the relationship between the child and the rejected parent. The difficulty mostly arises because of that parent’s incompetence or abusiveness, or other factors in their new social network such as a new partner and/or children. In such cases, the aligned parent is likely to be more or less negative about the rejected parent. However, in these cases that is not the primary obstacle to the improvement in the relationship between child and rejected parent.

The second process is equivalent to Kelly and Johnston’s ‘pathological alienation’ and Gardener’s PAS. This arises where the principal difficulty lies in the relationship between the child and the aligned parent. In these cases, the child cannot manage to maintain a relationship with the rejected parent because of the explicit instruction or subtly communicated need of the aligned parent. The difficulty is compounded when the rejected parent does not have a good relationship with the child to begin with. This alienation process can occur for a variety of reasons. Moreover, in such circumstances the relationship is likely to deteriorate as the alienation continues.

The advantage of this kind of description is that it allows a complex interplay of realistic estrangement and pathological alienation processes to be occurring at the same time. This accords with research findings and with everyday experience (Johnston 2005). This approach recognises that individuals act in contradictory and inconsistent ways. However, it does not suggest that an overall pattern is impossible to discern. Indeed, this analytical approach allows patterns to alter in intensity over time or to shift into different patterns either abruptly or gradually. We can describe patterns in terms of their intensity (mild, moderate or severe) and rigidity (rigid or flexible), noting how dramatically and how consistently individuals act in the roles ‘assigned’ by the pattern.

Formulation

Courts are interested not only in the vexed question of the proper description of post-separation parental rejection, but also in the separate but related question of what psychological and/or psychiatric explanations for the phenomenon may be useful within a legal context. With that in mind, a greater care to distinguish between
descriptions and explanations – and therefore to offer more relevant critiques – would clearly be welcome. A number of ways of thinking about this process have already been offered by writers on the subject. These different formulations are at different levels of abstraction. They therefore vary in respect of their openness to empirical confirmation.

**Psychiatric formulations**

Gardner (Gardner 2002) has suggested that some or all of the parties engaged in the experience of PAS may be suffering from psychiatric disorders. The most significant of Gardner’s suggestions in this regard is that PAS may be a form of shared delusional disorder (*folie a deux*). This is a psychotic disorder and Gardner suggested that it may be warranted as a description ‘in some of the severe cases’. However, he did not suggest that all alienators are psychotic and, therefore, did not suggest that PAS could be entirely explained as a psychotic phenomenon. We are not aware of any further evidence in support of the idea that some alienators are psychotic, or that alienated children are also psychotic. It would seem that, at best, this will be explanatory in only a very small proportion of cases.

Gardner also argued that some alienating parents suffer from a personality disorder, particularly a paranoid, narcissistic or borderline personality disorder. However, he believed that most parents engaged in alienating activities did not meet the necessary criteria for these conditions. He further suggested that the children involved in such cases may, in some instances, be suffering from separation anxiety disorder. However, he did not discuss this possibility in enough detail for us to be able to regard it as a well-developed formulation. Moreover, we are not aware of any data on the frequency of symptoms of separation anxiety disorder prior to divorce and the subsequent disturbance that divorce entails.

These psychiatric formulations are testable, in the sense that data can be accumulated on the frequency of psychiatric disorders within families caught up in post-separation parental rejection.

**Psychodynamic formulations**

Bone and Walsh (1999) have given a compelling description of post-separation parental rejection as a consequence of the child living with an overwhelming fear of abandonment by the alienating parent. They contend that the child is aware that any sign of closeness to the rejected parent will be seen as a betrayal by the other parent. Thus, the child is aware that they run the risk of being punished through rejection and abandonment by the aligned parent. Bone and Walsh describe the child as living in a constant state of fear. They argue that such fear on the part of the child can only be alleviated by their rejecting one parent and taking on what they perceive to be the alienating parent’s point of view towards the rejected parent.

This formulation of the experience can be readily expanded by hypothesising that a fear of abandonment may be a motivating factor for both parents. For the rejected
parent, a sense of loss and rejection is already likely to be acute as a result of the process of separation. This can be so even if it was the rejected parent that initiated the separation and even if that parent experienced the separation itself as a relief and as something positive in their lives.

Once again, if we view the same situation from the point of view of the alienating parent this situation may be more complex. Even so, we can certainly hypothesise that – for at least a large number of parents, if not all – the parent feels that the most intolerable threat in the experience of divorce is the loss of, or rejection by, his or her child. We could also postulate that, for many parents whose lives have revolved around a primary parenting role, the threat of loss or diminution of that role is frightening. Whilst resentment towards the ex-spouse and a desire to punish him or her may seem to be the primary motivation, it may be that this is actually a response to the more fundamental fear of the loss of the child.

Psychodynamic formulations are an example of the use of explanatory theory at a high level of abstraction, that is one that cannot be fully verified. For this reason, mental-health professionals offering such formulations to a court would need to make this qualification to their work clear. On the other hand, there are features of such intervention that can be subjected to scientific scrutiny. These include the success of interventions designed using these ideas. Another point in favour of the relevance of such approaches is that the court may still find the theory useful. For example, if an alienating parent’s fear of loss was seen as relevant in a particular case, this could inform a subsequent management strategy aimed at prioritising support for the alienating parent during contact with the rejected parent.

Family systems formulations

Family systems theorists focus their attention on the patterns of behaviour within the family or wider group, rather than on the mental life of the individual family members. Within this field of thought, approaches differ. Each family therapy ‘school’ has its own description of these patterns. As a result, this is a complex field and we lack the space necessary for a detailed outline of the myriad ways in which family therapists might conceptualise post-separation parental rejection.

Non-medical, non-psychological formulations

Whilst family courts often seek advice from mental-health professionals, they are not obliged to accept the perspectives on human problems which such professionals offer. Medical perspectives can prove challenging within a legal context and courts have expressed reservations about medicalising problems concerning contact after separation:

The contest in the psychological literature as to whether parental alienation can be properly characterised as a ‘syndrome’ has produced some understandable judicial wariness as to whether the ‘syndrome’ classification should be accepted. For instance, in L v S Judge Bisphan expressed caution over ‘… creating a catch phrase
for a state of affairs and elevating it into a recognised psychological or psychiatric condition’. (Caldwell 2005)

In these cases, the court has at least two alternative formulations that do not involve the use of notions of ill health or of faulty psychological functioning. The first of these is the concept of programming or brainwashing that was offered by Clawar and Rivlin (1991) in their study of PAS. Clawar and Rivlin used concepts from studies of torture and religious cults in order to explain the process involved. Applying such insights to the family law context, they argued that the children in PAS cases have been brainwashed into their views by the alienating parent (who is not necessarily aware of having done so). They do not describe this process in terms of illness. Instead, they view it as part of a natural and more prosaic process by which one person influences another.

The second alternative approach available to the courts is even less ‘medical’. It views the case in terms of human rights and responsibilities. From this perspective, post-separation parental rejection represents a failure of parental responsibility to ensure a good relationship with both parents following separation. Indeed, it has also been pointed out that if children are increasingly being afforded legal rights then it is also reasonable to recognise their corresponding responsibilities. These might include a responsibility on the child to maintain a relationship with both parents whenever this is possible (Bainham 2003).

Looked at in this way, the court’s job is not to ‘diagnose’ the family’s problem and offer treatment. It is, instead, to encourage and enforce legal and social obligations on the family members. Such an approach is consistent with a shift in emphasis in the work of family courts that some courts have been advocating. These advocates include the Principal Family Court Judge of New Zealand:

\[\text{The Court should be concerned with dispute resolution and making decisions. It should not be concerned with addressing the therapeutic needs of the litigants. Unless we get this right, there is a misunderstanding on what the real role of the Family Court is and whether it is a Court in which the laws of the country are applied and enforced. (Boshier, 2004)}\]

Conclusion

Debate on the scientific status of parental alienation syndrome, both in the mental-health literature and in the courts, has been fierce. No terminology or causal theory has yet adequately withstood the scrutiny involved in this debate. This is probably no bad thing since further scientific study will be severely hampered if faulty concepts are built into the terminology of the issues at stake. Disagreements concerning the rights and experiences of parents within divorce proceedings frequently arouse deep emotions. Such emotions are often heightened by gender politics. In a number of countries (the United Kingdom being a good example), conflict in this field has become particularly fierce in recent years. Positions can easily become polarised and generalisations abound. The right terminology and psychological formulation for
post-separation parental rejection must fully acknowledge that it is a complex interpersonal process and that it is not a case of simple villains and obvious victims.

References


