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## Parental Alienation Critics and the Politics of Science

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*This article examines the assertions, made by two main groups of critics, about Parental Alienation Syndrome (PAS) and parental alienation (PA). Among the topics discussed are: role of the alienating parent; structural interventions such as custodial transfer; relationship between PAS and allegations of sex abuse; and controversy over use of the term syndrome.*

### SITUATING THE DISCOURSE

At the time the Spectrum of Parental Alienation Syndrome (PAS) Parts I and II were written (Rand, 1997a,b), Gardner's views on PAS were not nearly as controversial as they are today, at least not among divorce practitioners in the family law arena, who had themselves been encountering families with this troubling dynamic. The phenomenon Gardner dubbed PAS had been independently observed and reported by divorce researchers and practitioners for more than a decade, including PAS critics like Wallerstein and Kelly (1976, 1980). Some contributors used different terminology, such as parental alienation (without the word syndrome), Medea syndrome, divorce related malicious mother syndrome, parental alignments, programmed and brain-washed children, and overburdened child. Each contributor brought their own perspective and experience to bear on the problem, helping to elaborate and refine the concept of PAS, which is what Gardner had always envisioned. Spectrum Parts I and II sought to pull together and synthesize these contributions, to provide a comprehensive picture of "what is known" (Light & Pillemer, 1986). The goal of Spectrum Part III, the Kopetski Follow-up Study, was to expand the parameters of "what is known" by addressing

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the widely recognized need for a follow-up study on interventions, and what happens to PAS children's relationship with both parents in the long term (Rand, Rand, & Kopetski, 2005).

In 2000, as the Kopetski Follow-up Study was getting underway, the controversy over PAS was ratcheting up. It erupted the following year. A group led by Janet Johnston and Joan Kelly published a series of articles in a special issue of *Family Court Review* in which they "reformulated Gardner's PAS" and proposed a model of their own, which they called "alienated child" (Schepard, Johnston, & Kelly [Eds.], 2001). A lengthy article by law professor Carol Bruch (2001) appeared in *Family Law Quarterly*, with the title Parental Alienation Syndrome and Parental Alienation: Getting it Wrong in Child Custody Cases. Bruch's critique was written from a feminist perspective. She opposed the imposition of mandatory mediation because, in her view, women are often at a disadvantage. Additionally, she has been a strong opponent of joint custody, advocating instead for the primary caretaker standard as the basis for custody decisions.

Today, there are two main groups of critics who oppose use of the term PAS, and the concept of parental alienation (PA) generally. The first group is comprised primarily of mental health professionals, divorce researchers, and others who work in the family law arena, where contested custody and visitation matters are heard. Critics in this group include contributors such as Wallerstein, Lewis, and Blakeslee (2000), Johnston, Kelly, and the other contributors to the special issue of *Family Court Review* (Schepard et al. [Eds.], 2001) and Emery, Otto, and O'Donohue (2005). I refer to this group collectively as the Johnston/Kelly critics. According to these critics, the two most contentious issues in the PAS debate are Gardner's emphasis on the causal role of the alienating parent, and the seemingly radical interventions which flow from that, such as changing custody to the hated parent.

PAS critics in the second group identify themselves as advocates for abused women and children. Critics in this group include professionals such as Bruch (2001), Faller (1998), Myers (1997), and Walker, Brantley, and Rigsbee (2004), as well as grass roots activists such as Isman (1996) and California NOW (Heim, Grieco, Di Paola & Allen, 2002). I refer to this group as the feminist and child advocates. Critics in this group object to Gardner's views on child sex abuse and frequently equate false allegations of sex abuse with his definition of PAS, which is a misunderstanding. According to these critics, courts have uncritically accepted Gardner's views on PAS and allegations of sex abuse. In their view, courts are quick to dismiss allegations of sex abuse by the father and to penalize protective mothers by giving the abusive father custody, thus putting the child in danger. The criticisms of PAS made by this group have more to do with the controversy over allegations of sex abuse in the divorce context than with Gardner's conceptualization of PAS as a divorce specific psychiatric disturbance in children in which the

child becomes obsessed with denigrations of the rejected parent which are out of all proportion to the child's actual experience with that parent.

Critics in both camps have framed the debate over PAS as between Gardner and his supporters on the one hand, and critics of Gardner and PAS on the other, emphasizing their differences with Gardner and others who use the term PAS. The impression created is one of distinct, mutually exclusive, and competing schools of thought. Debate between seemingly competing schools of thought is a necessary part of scientific advancement (Kuhn, 1971). It forces the protagonists to re-examine and clarify their closely held beliefs, generate new ideas, and collect more information, until ambiguities are resolved and a common understanding is reached.

Knowledge gained from scientific inquiry is something that tends to progress over a long period of time, and often unfolds in "messy" and unpredictable ways. Our present day understanding of mental illness is the product of multiple contributors, working over a period of 400 years (Lorandos, 2006a). The term PAS was introduced just two decades ago. Over this relatively short period, the debate has progressed. Today, there is widespread agreement among experts in the family law arena as to the existence of a distinctive cluster of divorce related symptoms in the child which constitute a serious psychological disturbance, whether we call it PA, PAS, pathological alienation, or "alienated child," the term used by the Johnston/Kelly taskforce. These same experts agree that parental programming can be a causal factor, and that the child makes an active contribution. Important differences remain over the role of the aligned or alienating parent and what kinds of interventions should be applied. The answers to these questions have practical ramifications for the family law system and for practitioners who work with divorce families.

Each contributor, whether pro, anti, or neutral where PAS is concerned, has their own perspective, based on their professional background, theoretical orientation, and the knowledge and experience gleaned from their work, whether it be with children of divorce, victims of child abuse and domestic violence, or litigation and legal research. My perspective is that of a clinical and forensic psychologist whose work has focused on complex forms of emotional abuse, such as Munchausen Syndrome by Proxy (Rand, 1990, 1993, 1996; Rand & Feldman, 1999, 2001; Eisendrath, Rand, & Feldman, 1996), PAS, and on interventions for interrupting and preventing alienation, so that children of divorce are free to love and be loved by both parents.

Before turning to a discussion of the issues in the PAS controversy, I would like to provide more background information on the context in which the views of PAS critics arose and evolved, along with an overview of what Gardner and the so-called proponents of PAS were doing during the period from 2001 to the present.

## THE JOHNSTON/KELLY CRITICS

Wallerstein and Kelly (1980) conducted the ground breaking divorce research of the 1970s, which focused on children's normal reactions to divorce. They began by studying a non-clinical sample of 60 families in Marin County, California, who were provided with free, short term, divorce specific counseling in exchange for their participation. Wallerstein continued to follow these families over the next 25 years. A detailed description of her findings at the 10 and 25 year marks can be found in *Second Chances* and *The Unexpected Legacy of Divorce* (Wallerstein & Blakeslee, 1989; Wallerstein, Lewis, & Blakeslee, 2000). It is important to note that Wallerstein's views on PAS are based on her experience with a non-clinical, non-representative sample of divorce families. There were approximately 26 children for whom alienation was an issue and, in all but a few cases, the mother had primary custody. It is from this perspective that Wallerstein opined that active intervention was unnecessary, and even counterproductive, because alienation usually resolved itself within a couple of years.

Kelly went on to found the Northern California Mediation Center, launching the Divorce and Mediation Research Project in 1983. She noted that the nationwide failure of nearly 50% of the post-divorce population to comply with support and custody orders had resulted in a growing interest in alternatives to adversarial dispute resolution processes (Kelly, 1990). At the time, there was only one other empirical study of divorce mediation, and it was still in progress. Kelly (1995) described it as "feminist rhetoric" when Bruch objected that mediating was unfair to women, because they were the "weaker" parties. Kelly recognized that mediation was not appropriate for all situations. In some cases, she served as Special Master, a quasi-judicial role in which she acted as arbiter of custody and visitation disputes. In an article on "best interests of the child," Kelly (1997) emphasized the child's need to maintain continuity in relationship to both parents following the divorce, assuming that the parents are adequate and the child had a relationship with both. "The recommendations for custody and access arrangements that flow from this more encompassing definition of continuity for the child will often differ from those focusing primarily on maintaining continuity in the mother-child relationship" (p. 382). Of all the PAS critics, Kelly appears to be the most committed to protecting children's access to both parents, and the most willing to acknowledge that the court's involvement may be needed to make this possible.

Johnston worked closely with Wallerstein for many years, as the Director of Research at the Center for the Family in Transition, in Marin County, California. Her work focused on high conflict families who were unable to benefit from the traditional, rational, decision-making approach to mediation, due to the divorce impasse between the parents. Johnston observed

that the conflict is often driven by the parents' enmeshed post-divorce relationship with each other. Johnston and Campbell (1988) reported on a subset of older children who were prone to forming "parental alignments" with a raging, paranoid, or sullenly depressed parent, parroting the aggrieved parent's complaints about the despicable behavior of the other parent. Children ages nine to twelve were particularly vulnerable to forming such "unholy alliances." These children developed more emotional and behavior problems than children from less conflicted divorce families. Johnston and Campbell concluded that children involved in ongoing, high conflict disputes did not benefit from joint custody or frequent access to both parents. Johnston has been reluctant to identify the aligned parent as playing a major role in the child's rejection of the other parent, preferring the position that "both parents are to blame." Kelly (1991), on the other hand, has stated that there are a fair number of cases in which one parent is more angry and clearly more responsible for creating conflictual situations to which the other parent must respond, if their goal is to maintain a relationship with the child.

In the late 1990s, Johnston and Kelly assembled a task force of experienced mental health professionals in the San Francisco Bay Area for the purpose of reviewing what they saw as the psychological and legal problems with PAS. Among the members of the task force were Steven Friedlander, Margaret Lee, Nancy Olesen, Matthew Sullivan, and Marjorie Walters. The group sought "to develop a more complex and useful understanding of situations in which children strongly and unexpectedly reject a parent during or after divorce . . . Based on this reformulation, the group articulated an extensive array of legal, judicial, and therapeutic interventions" (p. 246) (Johnston & Kelly, 2001). Justice James Williams, a judge from Nova Scotia, added a legal perspective to the group's deliberations. The task force reformulated what they termed "Gardner's PAS," and developed their own model, which they called the "alienated child." In 2001, their work was published as a series of articles in a special issue of *Family Court Review*, a journal of the Association of Family and Conciliation Courts, to which many custody evaluators and family court mediators belong (Schepard, 2001; Johnston & Kelly, 2001b; Kelly & Johnston, 2001; Williams, 2001; Lee & Olesen, 2001; Sullivan & Kelly, 2001; Johnston, Walters, & Friedlander, 2001). These critics recognized that an indoctrinating parent may contribute to a child's alienation from the other parent, but preferred to de-emphasize the alienating parent's role. They expressed the view that many parents who are rejected by their children have contributed significantly to the alienation in some way, though the rejected parent's behavior does not by itself warrant the disproportionately angry response of the child. They considered this disproportionately angry response of the child to be a serious form of pathology.

The special issue of *Family Court Review* was introduced by Schepard, the editor-in-chief of the journal and a law professor at Hofstra University. Schepard invited one of his students, Zirotiannis (2001), to write the article

at the end, which argues that PAS testimony should be inadmissible in court. Schepard (2001) opined that the harm to a child of being irrationally alienated from one parent was self-evident. He expressed hope that the special issue of the journal would “reframe the national dialogue on a problem of vital concern to courts, professionals, community, parents and . . . children” (p. 245). Despite their differences with Gardner, the fact that Schepard and the other contributors to the journal view irrational alienation is an important problem suggests that we all have a common goal.

Recently, a new line of PAS criticism has emerged from the ranks of those who endorse the “alienated child” model, in conjunction with an examination of “the terrible status of *all* assessment constructs and instruments developed specifically for custody evaluations” (p. 11) (Emery, 2005). Emery et al. (2005) recognize that parents often undermine each other’s relationships with their children following separation, but assert that there is no reliable way to measure alienation, and that the family law system is too flawed and over taxed to sort out which parent may be alienating the children. Emery states that he has no confidence in his, or anyone else’s, ability to discern the truth in divisive divorce cases.

Emery and his colleagues recommend doing away with the vague “best interest of the child” standard, based on which parent is more likely to support the child’s relationship with the other parent, and replacing it with the “approximation rule,” which would provide for post-divorce parenting arrangements which reflect the respective involvement of the parents during the marriage. The PAS critics who favor the approximation rule acknowledge that it would not be fair to fathers, but opine that joint custody has not been fair to mothers (Emery et al., 2005; Maccoby, 2005), echoing the views of the feminist and child advocate critics. Whereas the Johnston/Kelly taskforce viewed irrational alienation as harmful to children and offered ideas of their own for how to ameliorate it, Emery et al. take a “hands off” approach. They emphasize the need for a more precise standard for custody and visitation determinations, even if it means that some children of divorce may lose a parent unnecessarily.

## THE FEMINIST AND CHILD ADVOCATE CRITICS

The feminist and child advocate critics are concerned that PAS is being used against mothers, and relied on by courts as rationale for giving custody to abusive fathers. These critics are particularly disturbed by Gardner’s view that false allegations of sex abuse, which were rare in his early years as a child psychiatrist, had become commonplace since the upsurge of social concern about child abuse in the 1970s. They also take issue with his view that false allegations of sex abuse were more frequent in divorce than in other contexts. Most of all, the feminist and child advocates have been critical of Gardner’s

Sex Abuse Legitimacy Scale (SALS) which laid out his criteria for assessing whether or not a sex abuse allegation was likely bona fide or fabricated, particularly in scenarios where the alleged offender was the father, stepfather, or someone known to the family. Feminist and child advocate critics tend to equate allegations of sex abuse with Gardner's definition of PAS, and to confuse the SALS with his criteria for PAS. The more extreme critics in this group assert that PAS is a theory Gardner came up with as a defense for child molesters. Given this perspective, it should come as no surprise that the feminist and child advocate criticisms of PAS have more to do with Gardner's views on false allegations of sex abuse than on his concept of PAS per se.

Critics in this group include Wood (1994), Isman (1996), Myers (1990, 1993), Poliacoff (1999), and Bruch (2001), whose articles have appeared in legal journals. The article by Wood appeared as a Student Note in the *Loyola Law Review*. Wood used the case of *Karen B. v. Clyde M.*, in which the court gave custody to the father after the mother alleged sex abuse, to argue that PAS testimony should be inadmissible. Isman made the same argument, describing *Karen B.* as "the most famous example of Gardner's theory in action" (p. 14). The problem is that there was no expert testimony on PAS. Myers provides aggressive representation for mothers in sex abuse litigation, like the mother in *Karen B.* Poliacoff, a Florida psychologist and expert witness, argued that PAS did not meet the Frye or Daubert standard of admissibility. Shortly after this, PAS passed a two day Frye hearing in the 13th Judicial Circuit Court in Florida (*Kilgore v. Boyd*).

The feminist and child advocates tend to be strong believers in the idea that "children never lie about abuse." They tend to be in favor of leading and suggestive interviews when abuse is suspected, based on the belief that children are reluctant to disclose, therefore this kind of questioning is necessary to get at the truth. These critics deny that a parent can induce a child to make, or go along with, false allegations of abuse against the other parent. In the view of these critics, a child who rejects a parent, or is reluctant to visit, must have a good reason, such as bona fide abuse or parental maltreatment. They dismiss the idea that children of divorce may align with one parent to do battle against the other, amplify their complaints about the other parent, and become obsessed with denigrations of the rejected parent which are out of all proportion to the child's experience with that parent. According to these critics, there is no such thing as PAS, PA, or pathological alienation as it is also called. All alienation is a matter of justified estrangement.

Bruch and other feminist/child advocate critics accuse Gardner of vastly over estimating the frequency of cases in which children and custodial parents deliberately manufacture false allegations, or collude to destroy the child's relationship with the other parent. Gardner recognized that not all



false allegations are deliberately manufactured, that there are other mechanisms which can give rise to allegations which are unfounded. In the Kopetski Follow-up Study, many of the unfounded claims of sex abuse involved young children whose mothers inferred sexual meaning to affectionate behavior between the father and child, after an abnormally exclusive relationship with the mother. Research conducted by Ceci and Bruck (1999) found that children may give invalid reports as a result of repeated leading and suggestive questioning by well meaning or misguided adults, including parents. Gardner's view that false allegations are more common in divorce than in other contexts has been deeply disturbing to the feminist and child advocates. Ceci and Bruck conducted an analysis of this issue and concluded that false allegations did indeed seem to occur more frequently in divorce/custody disputes, though just how frequently, no one knows.

Earlier, I identified Bruch's 2001 article in *Family Law Quarterly* as a ratcheting up of PAS criticism by the feminist and child advocates. Coincidentally, a group of these advocates came together in 2001 to form a self-appointed task force which they called the Family Violence Think Tank, whose stated purpose was to "eliminate the PAS defense" and make PAS testimony inadmissible (Family Violence Think Tank, 2001). The list of Think Tank members included Robert Geffner, Ph.D., President of the Family Violence Institute; Steve Ambrose, Ph.D., of Children's Institute International; Joanna Silberg, Ph.D., of Child Recovery Resources; and Paul Fink, M.D., a past president of the American Psychiatric Association who is frequently quoted as referring to Dr. Gardner as a "pathetic footnote to history." The list included attorneys such as Toby Kleinman, whose firm represents victims of abuse in civil suits against the alleged perpetrator; Lesley Orloff of the NOW Legal Defense Fund, and John Myers, who defended Dr. Elizabeth Morgan, a mother who spent two years in jail for refusing to disclose the whereabouts of the child, on the grounds that the girl was being molested by her father.

Also on the list were Helen Grieco, Director of California NOW, and Connie Valentine, President of the California Protective Parents Association. These organizations have been lobbying for legislation which would not only make PAS testimony inadmissible, but would make using the term a criminal offense, punishable by law (Heim, Grieco, Di Paola, & Allen, 2002; Mothers of Lost Children, 2000).

With the exception of Leslie Drozd, who is the editor of the *Journal of Child Custody*, the Family Violence Think Tank appears to be made up of individuals whose career focus is somewhat different from that of the custody evaluators, therapists, mediators, and family law attorneys who are affiliated with the Association of Family and Conciliation Courts and endorse the "alienated child" model developed by the Johnston/Kelly task force. Drozd describes herself as a child custody evaluator who specializes in domestic violence.

## GARDNER AND OTHERS WHO USE THE TERM PAS: 2001 AND BEYOND

I have identified 2001 as a watershed year for the eruption of the PAS controversy and the delineation of two groups of PAS critics. What were Gardner and others using the term PAS doing at that time, and what have they been doing since? Over the past five years, contributions made by Gardner and others who use the term PAS address many of the issues raised by PAS critics and provide information relevant to the debate.

Two thousand and one saw the publication of Gardner's book *Therapeutic Interventions for Children With Parental Alienation Syndrome* (Gardner, 2001c), along with two peer reviewed articles: Should Courts Order PAS Children to Visit/Reside With the Alienated Parent? A Follow-up Study (Gardner, 2001a) and The Parental Alienation Syndrome: Sixteen Years Later (Gardner, 2001b), published in *Academy Forum*, the journal which published the article in which Gardner (1985) first introduced the term PAS.

Other contributions in 2001 included Warshak's popular book *Divorce Poison* (2001b) and his article Current Controversies Regarding Parental Alienation Syndrome (2001a). In Canada, Vassiliou and Cartwright (2001) published an ethnographic study on the perspective of alienated parents. Law professor Sandra Berns (2001) in Brisbane, Australia, conducted a grant-supported study on PAS in the family law court there. The study examined feminist claims that father's rights groups had co opted the divorce courts in Australia, but this was not borne out by Berns's research.

The seminal event of 2002 was the International Conference on the Parental Alienation Syndrome in Germany, at which Gardner was the key note speaker (Gardner, 2002d; Boch-Gallhau, Kodjoe, Andritsky, & Koepfel [Eds.], 2003). Three peer reviewed PAS articles by Gardner were published that year, on topics such as how denial of PAS harms women (2002b), how the empowerment of children promotes the development of PAS (2002a), and the merits of using the term PAS versus the term parental alienation (2002c). An article on misdiagnosis of PAS by Warshak (2002) focused on improving diagnostic accuracy by identifying what specifically distinguishes PAS from other types of alienation.

The defining event of 2003 was the death of Dr. Gardner, but the debate over PAS went on. Warshak (2003a,b) published two articles on PAS, one examining the disputes and the evidence in the debate, the other on the payoffs and pitfalls of listening to children in child custody disputes. *Family Court Review* published Gardner's (2004) response to the reformulation of PAS by the Johnston/Kelly group. Rueda (2004) conducted the first inter-rater reliability study of PAS. The Kopetski Follow-up Study provided information on interventions and what happens to the child's relationship with both parents in the long term (Rand, Rand, & Kopetski, 2005).

Baker, a developmental psychologist, published a series of articles on her ground-breaking research with adults alienated as children (Baker, 2005a, b, c). She conducted two other studies, a survey of custody evaluators' views on PAS (Baker, 2007b) and a construct validity study of the eight manifestations in the child of severe PAS (Baker & Darnell, 2007). In 2007, Baker's book, *Adult Children of Parental Alienation Syndrome: Breaking the Ties that Bind*, came out.

Last, but not least, is the recent publication of *The International Handbook of Parental Alienation Syndrome*, with 30 contributors from seven countries (Gardner, Sauber, & Lorandos [Eds.], 2006). The Handbook contains a number of chapters which discuss issues raised by PAS critics, such as Kopetski's commentary (2006) on the views of the Johnston/Kelly critics in the special issue of *Family Court Review* (Schepard et al., 2001) and a chapter by Barry Brody (2006) which is devoted to criticisms of PAS in courts of law. Lorandos (2006a) rebuts three feminist/child advocate critics: Wood, Faller, and Bruch (2001). He also contributed a chapter on PAS in American Law (Lorandos, 2006b).

## ISSUES IN THE DEBATE

This section examines and rebuts some of the assertions made by PAS critics. The topics discussed include:

1. Disparaging Gardner and his work
2. PAS is not synonymous with false allegations of abuse
3. Confusion over PAS and the Sex Abuse Legitimacy Scale
4. Is PAS just "Gardner's theory"?
5. Role of the alienating parent
6. When is custodial transfer appropriate?
7. Should PAS testimony be inadmissible?
8. Controversy over use of the term "syndrome"

### Disparaging Gardner and His Work

Bruch begins her critique by stating that Gardner is broadly, but mistakenly, believed to be a full professor at a prestigious university. Gardner was a clinical professor of child psychiatry at Columbia University Medical School for 39 years. He had to satisfy the same rigorous qualifications as the full-time academicians to achieve full professorship rank. He was required to submit extensive documentation of his accomplishments biannually, in order to reconfirm his appointment.

PAS critics in both groups have repeatedly claimed that Gardner's work on PAS has not been peer reviewed. The 1985 article in which Gardner introduced the term PAS was published in a peer-reviewed journal called

*Academy Forum*. In his 50 years as a child psychiatrist, Gardner authored 130 peer-reviewed articles, 19 of them on PAS. The mistaken claim that Gardner's work on PAS has not been peer reviewed is reiterated in articles by PAS critics in both groups, including the special issue of *Family Court Review*. In his response to the ideas put forth in the journal, Gardner (2004) corrected Johnston and Kelly for perpetuating the myth that his work on PAS had not been peer reviewed. However, they overlooked this correction in their rejoinder (Johnston & Kelly, 2004). Despite Gardner's death in 2003, the literature on parental alienation, whether we call it PAS, pathological alienation, or alienated child, has continued to grow, with more than 150 peer-reviewed articles by other contributors. In 2008, a preliminary proposal to include "Parental Alienation Disorder" as a diagnosis in the DSM-V was published (Bernet, 2008) and in 2009, a formal proposal, authored by 60 mental health and legal professionals, was submitted to DSM-V personnel (Bernet, 2009).

Critics in both groups have stated that Gardner's ideas are not well accepted in the scientific community because his books were self-published. As a renowned child psychiatrist, Gardner authored 40 books in the course of his career, including the first self-help book for children of divorce (Gardner, 1970). *The Boys and Girls Book About Divorce* is now in its 28th printing. At least half a dozen well-known publishers have published his books, including Jason Aronson, Avon, Bantam, Doubleday, Prentice-Hall, and Putnam (Gardner, 1970, 1976, 1977, 1978, 1982, 1991). In addition, Gardner (1979a, b) was invited to contribute two chapters to *The Basic Handbook of Child Psychiatry*, published by Basic Books. Most recently, *The International Handbook of Parental Alienation Syndrome*, with 30 contributors from seven countries, was published by Charles Thomas, LTD, as part of their American Series in Behavioral Science and Law (Gardner et al., 2006). In the early 1970s, Gardner founded Creative Therapeutics, which produced his groundbreaking therapeutic board game, *The Talking, Feeling and Doing Game* (Gardner, 1973), which inspired a whole new genre of therapeutic activities with children. Gardner's books on *Psychotherapy with Children of Divorce* (Gardner, 1976) and *Family Evaluation in Child Custody Mediation, Arbitration and Litigation* (Gardner, 1989), published by Creative Therapeutics, are widely referenced in the professional literature and considered classics in the field. *The Parental Alienation Syndrome: A Guide for Mental Health and Legal Professionals* (Gardner, 1992) is listed by the American Psychological Association (1994) under "pertinent" literature" in their Guidelines for Child Custody Evaluations.

## PAS Is Not Synonymous with False Allegations of Abuse

Faller and other feminist/child advocate critics are under the erroneous impression that PAS is synonymous with false allegations of sex abuse. Gardner

identified four key components of PAS: the child's obsession with denigrating the hated parent, the alienating parent's influence combined with the child's active contributions to the campaign of denigration, and situational factors (Gardner, 1998). He considered false allegations of sex abuse to be a spin off PAS in about 10% of cases, not part of PAS by definition. In the Kopetski Follow-up Study (Rand et al., 2005), false allegations of sex abuse were found in about 15% of the cases.

### Confusion Over PAS and the Sex Abuse Legitimacy Scale

Critics in both groups (e.g., Faller, 1998; Williams, 2001), have represented that Gardner's Sexual Abuse Legitimacy Scale was designed to substantiate the presence of PAS. As the name implies, Gardner's Sex Abuse Legitimacy Scale (SALS) was designed to assess the validity of an allegation of sex abuse. If the four components of PAS described above were present, but it was determined that bona fide abuse by the hated parent had occurred, then the diagnosis of PAS did not apply. Gardner was well aware that there are reasons other than parental influence for children to become alienated from a parent, including bona fide abuse, lack of parental interest in the child, or a parent with poor parenting and interpersonal skills. The confusion over the relationship between PAS and the SALS is due in part to the fact that Gardner introduced the SALS in his first book on PAS (Gardner, 1987). In his view, the two were related because in some cases, where PAS appeared to be present and there were allegations of sex abuse, an accurate determination as to whether bona fide abuse had occurred was essential to determining whether PAS was the appropriate diagnosis.

### Is PAS Just "Gardner's Theory"?

Critics in both groups refer to PAS as "Gardner's theory." Properly understood, PAS refers to a distinctive cluster of observable symptoms. The reference to "Gardner's theory" implies that it is his idea, and no one else's. As Spectrum Parts I and II demonstrate, the phenomenon he dubbed PAS has been independently observed by many different contributors, including critics such as Wallerstein and Kelly (1980) and Johnston and Campbell (1988). The behavioral descriptions of the "alienated child" in the special 2001 issue of *Family Court Review* are virtually identical to what Gardner described in his books and papers on PAS. There is nothing theoretical about the existence of PAS children. If the word "theory" is defined as a "hypothesis," then it would be fair to hypothesize about the role of the alienating parent in a particular case. In the Kopetski Follow-up Study, the behavior of

the alienating parent could be readily observed. For example, during the parent-child interactional session, some alienating parents engaged in constant badmouthing of the other parent in front of the child, unable to control themselves even when asked repeatedly to do so. Other examples include planning activities for the child on the other parent's time, refusing to produce the child, and other forms of visitation interference. Involving a child in false allegations of abuse also involves parental behavior which can be observed or factually verified.

### Role of the Alienating Parent

The Johnston/Kelly critics take issue with what they describe as Gardner's simplistic emphasis on the alienating parent as the primary etiological factor of the child's alienation. At one time or another, these critics have described children who were drawn into an alliance with an embittered parent, described as initiating and fueling the alignment, or as engaging in "brainwashing" or "indoctrinating" behavior. This kind of behavior communicates to the child how the adult would like the child to think, feel, talk, and behave. Some children will be more affected than others, depending on factors such as the child's age, temperament, quality of relationship with the indoctrinating parent, the amount of time spent with the target parent, and the quality of that relationship when it is reasonably free of interference.

As recently as 2004, Johnston and Kelly described how, in some cases, the child's irrational alienation from a parent is "due to the psychological manipulation and control of an emotionally dependent child that can be exerted by the aligned parent and his or her significant others. . . In this case, loving involvement, acceptance and support for the child comes at the price of the child's unquestioned allegiance, distortions in reasoning, judgment and moral integrity, and at the sacrifice of her relationship with the other parent" (p. 5) (Johnston & Kelly, 2004). This is what Gardner has been saying all along, but Johnston and Kelly seem reluctant to acknowledge this. They credit other contributors, such as Clawar and Rivlin (1991), Darnell (1998), and Warshak (2003) with understanding the nuances of their alienated child model in a way that Gardner does not.

Part of the problem is that the Johnston/Kelly critics seem convinced that Gardner automatically assumed that whenever a child expressed fear or antagonism toward the other parent and was reluctant or refused to visit, there must be an alienating parent to blame. According to these critics, Gardner did not follow their practice of recommending a full assessment of all the contributing factors to the child's rejection of a parent that includes all relevant family members and their supporters. That simply is not the case. Gardner (1998) clearly stated, "A proper PAS evaluation rests on

the foundation of a solid and thorough child-custody assessment. An evaluation of a family embroiled in a child-custody dispute is quite complex” (p. 221).

In his book *Family Evaluation in Child Custody, Mediation, Arbitration, and Litigation* (1989), Gardner discusses assessing factors that arise within the child, independent of parental contributions, or reinforced by them, such as anger and hurt at the parent who initiated the divorce, boredom while visiting a parent, jealousy and resentment about the involvement of new partners, or the abrasive parenting style of a parent or step-parent.

He describes how to recognize subtle and unconscious forms of parental brainwashing. According to Gardner, it is important to assess the child’s interaction with each parent, quality of the child’s bond with each parent prior to the divorce, parenting style of both parents, the role of new partners and other family members, strength and nature of the child’s bond with a step-parent, and whether alienation has spread to the friends and family of the hated parent. In assessing for alienation, Gardner (1998) advises evaluators to consider the possibility of bona fide abuse and “to keep in mind that all children of divorce will exhibit loyalty conflicts, will play one parent against the other, and will exhibit symptoms that can be directly traced to the parental conflict” (p. 221). If it appears that PAS is operating, after evaluating the various causal factors which may be present in a particular case, then it is important to determine whether it is mild, moderate, or severe, since each level entails its own set of specific recommendations.

Baker’s research provides strong support for Gardner’s concept of PAS. The adults alienated as children who Baker (2005a, b, 2006a, 2007a, c) interviewed gave graphic accounts of how the alienating parent had deceived and manipulated them into turning against the other parent. There is a robust body of social science research on memory, suggestibility, and interview effects which demonstrates that parents and other authority figures can influence the accounts children give of events they have experienced, and that children subject to leading questions often come up with fanciful accounts of their own (Ceci & Bruck, 1999). In some experiments, children who had been fully clothed while superficially examined by a pediatrician subsequently reported that the doctor had touched their private parts and stuck things in their vagina. Research shows that adult influence may occur intentionally or unintentionally. These findings are consistent with Gardner’s views on the primary role of the alienating parent in cases where there is observable or factually verifiable evidence of alienating behavior.

As a renowned child psychiatrist who wrote the book on *Psychotherapy with Children of Divorce*, Gardner knew as well as anyone that children may become alienated from a parent for a variety of reasons, including bona fide abuse. His position was that there are some cases in which alternative hypotheses can be ruled out and the influence of an alienating parent can be identified as the primary cause. When interveners fail to clearly identify

the role of the alienating parent in such cases, the child may lose a parent unnecessarily.

### When Is Custodial Transfer Appropriate?

Schepard (2001, 2004) asserts that Gardner recommended custodial transfer in many cases, as a “crude, one size fits all” remedy for PAS. Gardner conceptualized PAS as occurring on a continuum from mild to severe, with different levels of intervention depending on severity. According to Gardner (2004), “The *diagnosis* of PAS is made primarily on the symptomatic manifestations *in the child*. By contrast, the recommendations regarding restrictions of the alienator’s access are made on the basis of the degree of severity of the attempts made by the alienating parent to program the child” (p. 615). He recommended that custodial transfer be considered primarily in cases where the child was severely alienated and the alienating parent was seriously disturbed, with a pathological, often paranoid bond with the child, and in cases involving a moderately alienated child with a severe, relentless alienating parent (Gardner, 1998). In his experience, such scenarios comprised 5–15% of PAS cases.

Sullivan and Kelly (2001) criticize Gardner for making a blanket recommendation for change of custody, based solely on the child’s alienation. This is a half truth. Gardner (1998) did not recommend custodial transfer based on the child’s degree of alienation alone, or on PAS per se, but on the presence of PAS in association with the psychopathology and other parental deficiencies of the alienating parent, the severity of the attempts made by the alienator to prevent access and program the child, and the parenting capacity of the target parent. One can get a feel for the kinds of factors Gardner considered in recommending custody to the hated parent by reading the case vignettes in his follow-up study (Gardner, 2001a). They include severe, pervasive sociopathic behavior on the part of the alienating parent and/or the parent’s new partner; alienator physically or sexually abusing the child, or fails to protect the child from abuse by someone else in the home; alienating parent is psychotic or delusional; pressure alienating parent is putting on the child is so intense that child has a breakdown and needs to be psychiatrically hospitalized; and a pattern of refusal to comply with court orders and other pro social expectations and requirements. These are precisely the kinds of things that would prompt any competent evaluator to recommend a change of custody (unless the target parent already had custody, as in some of the Kopetski Follow-up cases). According to Sullivan and Kelly, “In such cases, changing custody and recommending supervised contact with the custodial [alienating] parent should be strongly considered” (p. 312).

Gardner understood the difficulties involved in trying to place a severely alienated older child with the hated parent, which is why he suggested the



use of a transitional site, preferably the least restrictive alternative which would keep the child safe. Like Kopetski, he observed that custodial transfer was easier to accomplish with younger children whose level of alienation was in the mild to moderate range. Gardner's approach, which places a priority on the severity of the alienating parent's psychopathology and behavior, and the affects of that behavior not just on the child's relationship with the other parent, but on the child's overall functioning and development, increases the likelihood that interveners will act decisively to interrupt or prevent alienation while the child is relatively young (Rand et al., 2005).

### Should PAS Testimony Be Inadmissible?

In the student note by at the end of the special issue of *Family Court Review*, Ziropiannis (2001) discusses *Karen B. v. Clyde M.* and *Hanson v. Joseph*, asserting that the court relied solely on PAS testimony in awarding sole custody to the father accused of abuse, endangering the children and demonstrating why PAS testimony should be inadmissible. Ziropiannis's analysis of *Karen B.* appears to be a rehash of the argument made by Wood more than 10 years earlier, then makes the same argument based on a more recent case, cited incorrectly as *Hanson v. Joseph*. It should be *Hanson v. Spolnik*. The name of the judge who "denounced" PAS in her dissenting opinion is also misspelled. It should be "Chezem" not "Citizem." In both *Karen B.* and in *Hanson*, the court heard extensive testimony from multiple experts. When I reviewed these cases myself, it appeared that PAS was a very peripheral issue. In my view, Judge Chezem, who wrote the dissent in *Hanson*, used that as a platform to express her feminist advocacy position against PAS. A more evenhanded discussion of *Karen B.* and *Hanson* can be found in Lorandos (2006b), who reviewed 15 years of reported decisions involving PAS, regardless of whether the cases were favorable to PAS or not.

Ziropiannis (2001) argues that PAS is not well accepted and does not qualify as social science expert testimony under the Frye standard, unlike the Child Sex Abuse Accommodation Syndrome, which has been found admissible in many cases. The fact that professionals are divided over PAS does not preclude widespread acceptance of the phenomenon, as evidenced by more than 150 peer-reviewed articles on PAS, and the publication of *The International Handbook of Parental Alienation Syndrome*, with 30 contributors from seven countries (Gardner et al., 2006). These contributions belie the argument that there is no empirical or scientific support for PAS. Critics like Ziropiannis overlook examples of recorded cases in which PAS was found to meet the Frye test, such as *Kilgore vs. Boyd* (2001) and *Bates vs. Peres* (2002). Ziropiannis does not hold the "alienated child" model to the same standard as PAS. According to Johnston and Kelly (2004), the "alienated child," is

offered as a *theoretical model* (italics added). They acknowledge that there is very little empirical data to back-up the clinical observations on which their model is based. The admissibility of the Child Sex Abuse Accommodation Syndrome (CSAAS), touted by Zigoriannis, is even more problematic than either PAS or the “alienated child.” Myers (1993), one of the feminist/child advocate critics of PAS, expressed concern about misuse of CSAAS in criminal trials for sex abuse, where prosecutors inappropriately put on CSAAS testimony as “evidence” that abuse has occurred.

### Controversy Over Use of the Term “Syndrome”

Should the phenomenon Gardner called PAS be called a syndrome? Warshak (2006) put it well when he said that those of us who use the term parental alienation syndrome believe that the phenomenon is different enough from other types of parent-child disturbances to warrant a separate designation. From a clinical standpoint, it seems clear that the cluster of symptoms that Gardner described is appropriately viewed as a syndrome. The same cluster is seen over and over again. Those who have observed the cluster for themselves give detailed behavioral descriptions which are remarkably similar. To give just one small example, Gardner described “borrowed scenarios” as one of the eight manifestations of PAS in the child. Kelly and Johnston (2001) describe the allegations made by alienated children against the rejected parent as “mostly replicas or slight variants of the aligned parents’ allegations and stories” (p. 263).

The Johnston/Kelly critics appear to recognize the distinctive subset, including the role of the alienating parent. Johnston and Kelly (2004) describe a subset of parental alienation cases in which the behavioral manifestations in the child are “due to the psychological manipulation and control of an emotionally dependent child that can be exerted by the aligned parent and his or her significant others” (p. 5) (Johnston & Kelly, 2004).

The problem comes when the term syndrome is used in legal proceedings, where syndrome evidence can be readily misused, as when an alienated parent asserts that the child’s rejection is a prior proof that the favored parent is alienating, even if there is little or no corroborating evidence for that conclusion. Both groups of critics argue that indiscriminate use of PAS terminology results in parents being unfairly labeled as alienators, and in ill-advised legal decisions which can have profound negative consequences. No one knows how often this occurs, but refers to a form of human error known as “false positives.” Gardner pointed out that “false negatives” can also be a problem, since failure to accurately identify a parent’s alienating agenda can have profound negative consequences of their own, as follow-up studies have shown (Gardner, 2001; Rand et al., 2005; Rand & Rand, 2006).

Critics in both groups want to do away with PA as well as PAS, so it is not just about the term syndrome. A key issue in the controversy has to do with holding a parent responsible for supporting, influencing, or encouraging a child to reject the other parent, and that the child will be taken from the parent they are most bonded to.

In Gardner's view (Gardner, 2002a), terms such as "parental alienation" and "alienated child" are simply too vague to be of much practical use. Kopetski agreed with Gardner on the need to be clear and direct in identifying the role of the alienating parent, but preferred not to use diagnostic labels, including PAS, in her custody evaluation reports. Instead, she provided detailed descriptions of the alienating parent's behaviors and pathological enmeshment with the child so that the court, and anyone else reading the report, could verify her observations and draw their own conclusions.

## CONCLUSION

The controversy over PA/PS has been divisive and vitriolic at times, but, as I step back from it today, it seems that our common understanding of "what is known" has progressed. In 2010, *Family Court Review* revisited the topic of alienation, publishing a special issue titled *Alienated Children in Divorce and Separation: Emerging Approaches for Families and Courts* (Schepard, Fidler, & Bala [Eds.], 2010). In his editorial notes, Schepard remarks that "This 2010 issue aggregates and expands on what has been learned about child alienation since the 2001 special issue" (p. 2). The guest editors, Barbara Fidler and Nicholas Balas, bring a fresh perspective and there are contributions from "both sides of the aisle."

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