

PARENTAL ALIENATION.THEORETICAL CONSIDERATIONS

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Abstract: *A child's ability to endure suffering is limited and the effects of a traumatic experience can only be overcome by understanding and studying every aspect of such experience, but most of the time even this is not enough to remove all the negative effects of trauma on the physical or mental development of the child. Traumatic events can originate in the attachment relationship with primary caregivers involved in raising and taking care of the child, a relationship that is often characterized by neglect, emotional or physical abuse, abandonment, dysfunctional situations, divorce, drug or alcohol use, etc.*

In the present work we will try to present some theoretical aspects of a certain type of emotional trauma, namely parental alienation, and we want this work to have a significant impact on the research focused on investigating this type of trauma and its effects on children.

We must not forget that parental alienation violates the child's fundamental right to have a healthy family life, damages emotional relationships with the parent or other family members, and constitutes a form of serious emotional abuse of the child.

Keywords: *parental alienation; parental alienation syndrome; psychological impact; custody of the child*

I. INTRODUCTION

A child's capacity to endure suffering is limited and the effects of a traumatic experience can only be removed by understanding and studying each aspect of this experience, but most of the time even these are not enough to remove all the negative effects on the child's physical or mental development. A series of traumatic events have their origin in the attachment relationship with close adults involved in their upbringing and care, a relationship that can often be characterized by neglect, emotional or physical abuse, abandonment, dysfunctional situations, divorce, drug or alcohol use, etc.

In this paper we will try to present some theoretical aspects of a form of emotional trauma, parental alienation, and we hope that this paper will

have a significant impact on research that will investigate this trauma and its effects on children.

Parental alienation violates the child's fundamental right to a healthy family life, damages the emotional relationships with the parent or other family members, and constitutes a form of serious emotional abuse of the child.

One of the negative effects of divorce, when there are minor children, is the phenomenon of parental alienation, defined by psychologists as a form of serious emotional abuse of the child. Naturally, children like to have all their functional attachments under the same roof. Closeness between parents allows them to satisfy their desire for closeness and contact with both parents simultaneously. Moreover, many children are attached to their parents when they form a couple. The parent who competes with the other parent or who treats the other parent as a *persona non grata* puts the child (or more precisely, the child's attachment brain) in an impossible situation; in order to be close to one, the child must separate from the other, both physically and psychologically. (Neufeld, Mate, page 66-67)

II. Richard A. Gardner's conceptualization

Richard A. Gardner's (1931–2003) conceptualization is well-known. Beginning in the mid-1980s, he published a series of articles and books on the subject of divorce and custody. He initially suggested (and later retracted) that approximately 90% of children involved in custody disputes suffer from a disorder called Parental Alienation Syndrome (PAS).

Invoking this syndrome, fathers used it in legal strategy to accuse mothers of alienating their children from them in order to get revenge, and mothers accused fathers of physically abusing their children in order to punish, remove, and obtain custody. While the initial hypothesis assumed that in most cases mothers' resort to alienating behaviors, it was later shown that both mothers and fathers can be alienating parents to the same extent.

According to this author, Parental Alienation Syndrome is defined as a disorder that occurs in the context of custody disputes, the most important manifestation being the denigration campaign that a child leads against a parent, a campaign without any legal justification. It results from the combination of indoctrination activities (brainwashing) on the part of the parent, situational factors and the child's personal contribution to the condemnation of the target parent. Prof. Dr. Alexandru Vladimir Ciurea, Head of the Neurosurgery Department at Sanador Hospital, draws attention to the fact that at

a neurological level, the child is greatly affected by the discussions between the parents and their attempts to change their perception of each other. “His brain suffers a constant psychological attack that will affect him later.

When abuse and/or neglect are present, the child’s hostilities can be justified, and thus the parental alienation syndrome cannot justify the child’s animosity. Gardner suggests that parental alienation syndrome is determined by the extent to which the alienating parent’s efforts are successfully manifested in the child’s attitude and behavior and not just in the parent’s efforts (Gardner, 1985).

He identified eight specific indicators of parental alienation, which are:

- *denigration campaign*

The alienating parent may have a passive or active campaign to destroy the relationship between the other parent and the child (active by brainwashing the child daily with negative information and passive by not taking any concrete measures to support the relationship between the child and the alienated parent – a legal obligation, provided by law that the child violates or by tolerating the child’s negative behavior towards the alienated parent, often even provoking this behavior).

- *inconsistent rationalizations, vague, absurd explanations about the reasons for the denigration;*

The reasons invoked by the child to justify the rejection of the parent are inconsistent and irrational.

- *lack of ambivalence;*

The child considers the alienating parent good and the alienated one bad. One is adored in front of whom he begs for attention and suffocates him with compliments and the other is rejected and harshly criticized. (i.e., if the alienated parent sets limits, the abusive parent teaches the child that the limits are an abuse on him and the child perceives them as an imperative, intrusive obligation on him

- *the phenomenon of the “independent thinker”;*

In this context, the child claims that he himself chooses to refuse the relationship with the alienated parent, not to visit him or spend the nights, using his desire and choice.

These beliefs were induced in the child by the alienating parent, the child not noticing that he was manipulated or influenced, considering his age. The alienating parent will argue before the court or in the presence of relatives that he wants the minor to have a close relationship with the other parent and supports this relationship as much as he can, but the child does not want and cannot oppose the child's desire.

- *the support offered to the alienating parent in conflict;*

This phenomenon occurs because the alienating parent imposes himself as the dominant parent, thus sowing in the child's perception a feeling of total dependence (psychological domination) which manifests itself externally through a state of anguish and even fear when he knows that something is not to the father's liking (as an alienating parent). Emotional blackmail is achieved by withdrawing affection and support in activities that are pleasant to the child.

- *lack of feelings of guilt for denigrating and removing a parent;*

The child does not feel guilty for excluding the alienated parent or for the suffering caused to him. He is not grateful for any service, gift, help offered by the alienated parent. All this behavior is manipulated and induced by the alienating parent. The use of empathy is an important step in the development path of children, but alienated children manifest a lack of empathy for the target parent.

- *borrowing and presenting scenarios taken from the alienating parent;*

The child is actively involved in the campaign of denigration waged by the alienating parent and is taught how to speak and behave in the presence of the alienated parent. In the child's vocabulary we find the same expressions that we find in the vocabulary of the alienating parent. They may also be taught what to argue before the judge, in the event of their hearing, before the psychologist - during his counseling/evaluation/expertise and before the alienated parent.

- *animosity towards the friends and extended family of the alienated parent;*

The child may refuse to go to the home of relatives or friends of the alienated parent or to the home of certain close people with whom he has interacted in the past.

Alienation can also extend to the alienated parent's family by spreading animosity so that the child no longer feels safe in the presence of those associated with the parent they hate.

In the same vein, the alienating parent may have his entire family on his side, who in turn may bring accusations against the alienated parent, and it is more serious if all these accusations occur in the presence of the child.

This author showed that the diagnosis of Parental Alienation Syndrome (PAS) is based on the intensity of the symptoms manifested by the child, but the court's decision and the measures regarding PAS must be based mainly on the intensity of the alienating behaviors observed in the alienating parent, which can be debatable. Three levels of alienation intensity have also been proposed: low, moderate and high.

Parental alienation syndrome is considered by some specialists to be a form of emotional abuse because its result is the deprivation of the child of an affectionate relationship with one of the parents.

Emotional abuse can be defined as a chronic attitude or action of parents or other people who provide care for the child and who, through their actions and behavior, harm or prevent the development of a positive self-image of the child" (Marc 2015, p. 33).

Through these actions:

- the alienating parent conditions the child, provides care based on the behavior they expect;
- the alienating parent withdraws the affection due to the child when the child does not participate in the denigration campaign;
- the alienating parent has unrealistic expectations of the child; it is not natural to expect a child to cooperate in the denigration campaign against the other parent. The risk is that the child becomes confused, tense, frustrated;
- prematurely making the child responsible; the child is expected to memorize a wide variety of shortcomings suffered by the parent, to bring false accusations of abuse to him;
- over-protection of the child; the child is made to believe that any contact with the other parent is dangerous. It creates anxiety in the child and accentuates his dependence on the alienating parent.

Characteristics of parents obsessed with alienating the child from the other parent:

- They are obsessed with destroying the child's relationship with the other parent.

- They try to restrict the child's access to the other parent.

- They try to minimize the duration and frequency of interactions between the child and the other parent.

- They try to obtain court orders that block the other parent's access to the child. These decisions would thus confirm the fact that he or she was always right.

- They seek to induce in the children their own beliefs and personality in relation to the other parent, the child will imitate their behavior and will end up repeating like a parrot the arguments made by the obsessed parent and will not express their own feelings towards the experiences lived with the other parent.

- They will perceive as an enemy anyone who tries to convince them of the opposite of their beliefs regarding the obsessed parent.

- They consider themselves victims of the other parent and therefore it seems to them that everything they do to defend their exclusive connection with the child is justified.

- They will not want to read legal documents that issue decisions against their beliefs or will misinterpret them with the aim of punishing the other parent (ex-husband/ex-wife).

OTHER PERSPECTIVES

The diagnosis of mental disorders is based on the Diagnostic and Statistical Manual of Mental Disorders (DSM) developed by the American Psychiatric Association and recognized worldwide, including in Romania. The DSM-4 manual, developed in 1994, did not contain references to this phenomenon. However, according to the "Mina Minovici" Forensic Institute, the DSM Diagnostic and Statistical Manual of Mental Disorders is not recommended for use in forensic psychiatry, since:

- "there are risks that diagnostic information may be used or understood incorrectly. These dangers arise due to the imperfect agreement between the issues of essential interest for the law and the information contained in a clinical diagnosis. In most situations, the clinical diagnosis of a DSM mental disorder is not sufficient to establish the existence for legal purposes of a

‘mental disorder’, ‘mental disability’, ‘mental illness’ or ‘mental defect’. In determining whether an individual meets a specified legal standard (e.g., for competence, criminal responsibility, or incapacity), additional information is usually required, well beyond that contained in the DSM diagnosis.”

Dr. William Bernet proposed the following definition for parental alienation disorder to the DSM-5 task force: “A mental state in which a child, usually whose parents are engaged in a highly conflictual divorce, is strongly allied with one parent and rejects the relationship with the other parent without legitimate justification.” The American Psychiatric Association decided that parental alienation should not be included in the DSM-5 as a disorder or syndrome. The main reason, stated by Dr. Darrel Regier, vice chair of the task force, was that “parental alienation is not a disorder of an individual but is a problem of the parent-child or parent-parent relationship, and couple problems themselves are not mental disorders.”

The DSM-5 contains a description of the symptoms and pathology but avoids using the term “parental alienation”. According to Prof. Dr. Linda Kase-Gottlieb, LMFT, LCSW-r[4]. The DSM-5 cites these effects on several occasions, under the following two terminology:

- “Parent-child relationship problems” with the diagnostic code V.61.20. An example of this type of parent-child relationship problem is discussed in the DSM-5 as follows: “Cognitive problems may include attributing negative intentions to the other, hostility, toward or blaming the other, or unfounded feelings of alienation. Affective problems may include feelings of sadness, apathy, or anger toward the other member of the relationship” (715).

- “Parent-Child Relationship Problems” with diagnostic code V. 61. 29, “Child Affected by Problems in the Parental Relationship”. DSM-5 analyzes this family dynamic as follows: “This category should be used when, clinically, we are focusing on the negative effects of parental disagreements (e.g., high levels of conflict, distress, discrediting) on a child in the family, including effects on the child’s mental or other medical disorders” (716).

In our country, George Visu-Petra from Babeş Bolyai University and Camelia Borlean from the Oradea Court of Appeal carry out an exhaustive analysis of this phenomenon.

In *Child Psychology in a Judicial Context. Theoretical and Applied Foundations*, the authors present the main conceptualizations of parental alienation. In this article, the authors propose a “rigorous, scientific and balanced perspective on this controversial concept, as well as a series of

useful benchmarks in the process of identifying PA and regarding appropriate psychological and legal interventions". The authors also "oppose the uncritical, unscientific and unexplored use of the concept of parental alienation in and outside the courts. The information contained can be used to dismantle unfounded accusations of parental alienation and to correct the misinformation that proponents of the concept introduce - sometimes with good intentions - into the courtroom". Authors present different conceptual models of the phenomenon of parental alienation, starting with the one proposed by Richard Gardner (reviewed by Lorandos, Bernet and Sauber, 2013) and continuing with the model of Kelly and Johnston (2001), subsequently completed by other research groups, reaching the more recent formulations from the ecological systems perspective (Polak and Saini, 2015)

Johnston & Kelly (2001) mention, about rejected parents, that they fall into a wide range from "marginal" to "good enough" parents or "better" parents than most who have no history of physical or emotional abuse of the child. However, the authors mention that there may be a grain of truth in the accusations made by children towards the rejected parent, but the children's vision is extremely negative, and their feelings are significantly distorted and show exaggerated reactions. Johnston (2003) stated that "Alienation is caused by multiple systemic factors such as, for example, denigration of the rejected parent by the other parent; the denigrating parent does not show empathy and support for the child's need to maintain relationships with both parents, harsh/rigid parenting style".

Alienated children express their rejection towards one parent and categorically refuse contact with him, without ambivalence. The parent rejected by the child does not have severe parental deficiencies, was not abusive towards his child and, therefore, we can say that the child's perception is unrealistic and significantly distorted.

Alienated children are usually more disturbed, with fewer social skills, dependent, have low self-esteem and a poor perception of reality. They lack the capacity to be ambivalent and are prone to engaging in complicated/difficult relationships that tend to break down. The study conducted by Johnston & Kelly (2004) 2–3 years after the separation of their parents and involving 215 children aged 5–14 years identified that both mothers and fathers are frequently involved in behaviors that alienate the child from the other parent, and this action increases the child's stress and intensifies conflicts between the parents.

In the definition of Johnston & Kelly (2004) the alienated child is,, that child who freely and persistently expresses unreasonable, excessive

negative thoughts and feelings (such as anger, hatred, rejection, and/or fear) towards a parent and that are significantly disproportionate to the child's actual experiences with that parent". They mention that all alienated children, regardless of age, show the following symptoms: anxious attachment or separation anxiety; unusual distress when moved from one parent to the other; sleep disturbances; social isolation; become rigid and contemptuous; disorganized; socially isolate; moody; have low self-esteem; rigidity about his opinion of the rejected parent and refuse any information that does not confirm his ideas.

Lorandos, Bernet, and Sauber (2013) revised and adapted Gardner's (1985, 1992, 2006) criteria for diagnosing parental alienation. The authors state that the child should exhibit two or more of the following behaviors:

- Campaign of denigration against one parent: the child often complains about the other parent in a monotonous manner, makes unimportant, false, or irrational statements about him/her. He/she avoids any "danger" of reconciliation;
- The child's criticism of the rejected parent contains frivolous arguments: the child's reactions of hatred and contempt are unjustified and disproportionate to the circumstances described;
- Lack of ambivalence: the child has an "all-or-nothing" thinking style, idealizes the alienating parent and devalues the rejected one;
- The phenomenon of independent thinking: the child proudly states that the decision to reject the parent belongs to him/her and was not influenced by the alienating parent;
- The child receives reflexive support from the alienating parent directed against the rejected parent: in a situation of misunderstanding, the child immediately and automatically takes the side of the alienating parent;
- Does not feel guilty for the bad way in which he/she treats or exploits the rejected parent: the child may have opposing, cruel, disrespectful and sometimes violent behaviors towards the rejected parent for which he/she shows little or no remorse;
- Borrowed scenarios: the child makes repeated statements about the rejected parent that are identical to those made by the alienating parent. Younger siblings, although their age does not allow them to elaborate on the details of the events, repeat what they heard from their older sibling;
- Hostility is extended by the child to the rejected parent's family members or friends even when the child has known them little or not at all. Occasionally, the child's hatred may extend to the rejected parent's pets.

Parental alienation, as a phenomenon, is recognized by the UN in

the ICD-11 manual under the heading “QE52.0 Caregiver-child relationship problems”.

III. THE USE OF THE CONCEPT OF PARENTAL ALIENATION IN LAW

Romania is the first country in the European Union and the fourth country worldwide to recognize parental alienation as a form of serious violence.

Parental alienation or child abuse has been understood at the legislative level, but also at the judicial practice level, as “any voluntary action of a person who is in a relationship of responsibility, trust or authority towards a minor child, through which the life, physical, mental, spiritual or social development, bodily integrity, physical or mental health of the child is endangered”. The normative framework that regulates this matter is represented by Law no. 272 of June 21, 2004 on the protection and promotion of the rights of the child. In the following, we will analyze the specified concept, by reporting both to national legislation and to the practical sphere - court decisions.

The phenomenon of parental alienation or “child abuse” is outlined at the legislative level through Law no. 272 of 21 June 2004 on the protection and promotion of the rights of the child. In this case, art. 94 provides that child abuse is understood as any voluntary action of a person who is in a relationship of responsibility, trust or authority towards the child, which endangers the life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health of the child, and is classified as physical, emotional, psychological, sexual and economic abuse.

In Romania, this term was introduced in 2016, being classified as a form of severe emotional abuse of the minor.

Provision 31/2021 repeals Provision no. 2/2016 for the recognition of the phenomenon of parental/parental alienation and the provisions of the Protocol on the recognition of parental alienation, concluded between the Institute of Forensic Psychology and the Romanian Association for Joint Custody. This repeal does not affect in any way the existence of this phenomenon that is discussed internationally and that we find under various titles such as “parent-child relationship problem”, “psychological abuse of the child”, “child affected by relationship problems between parents”, all of which refer to the concept of alienation.

Protection against psychological abuse of the minor or of any nature should take precedence over any other principle applicable by the guardianship court in issuing a decision regarding the establishment of the domicile of a minor. If we refer to the parental alienation of a minor, we can no longer speak of a sincere opinion of the minor, by hearing him (an opinion that would be influenced and induced).

The judge who, after hearing the witnesses, listening to the child and his parents, finds out about the child that he rejects a parent, categorically refuses contact with him, even if from his knowledge of the field of psychology he would assimilate this situation with parental alienation, still cannot retain it as a factual reality, because parental alienation requires a scientific determination and can only be established by the expert psychologist, and in the example given by associating the rejected parent with the categorical rejection by the child, the expert psychologist will establish that this situation corresponds in a differentiated way either to parental alienation, or to a situation of alienation characterized by abusive behavior of the parent towards and/or severe parental deficiencies (Pivniceru, 105).

IV. CONCLUSIONS

Currently, the phenomenon of parental alienation appears under many names:

Parental alienation syndrome, a mental condition, a relationship problem, parental alienation as a form of emotional abuse, attitudinal process manifested by the child, not yet reaching a consensus;

- In specialized practice, the same 8 criteria originally proposed by Richard Gardner are used, although different perspectives have been proposed;
- Dysfunctional relationships between separated parents can be harmful to children and their long-term psycho-emotional development;
- There are no valid instruments to classify or measure the severity of alienation.
- Problematic parent-child relationships can also arise against the background of inadequate parenting, abuse, neglect, etc.

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