

# Children in the Fog of War: Responses to Parental Alienation

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**Abstract:** The term 'parental alienation' describes a child's irrational rejection of a parent and is the source of conflict in families, in psychological, legal and therapeutic practices which dispute its theoretical basis and causes. The increasingly reported issue is associated with children involved in high-conflict divorces or separations who exhibit psychological deficits reminiscent of child soldiers. In these cases, dialogues and mediation processes are highly regulated, often court-ordered, but both traditional and newer therapeutic approaches are controversial in terms of scientific and moral efficacy where it is believed a favoured parent is manipulating their children. The article takes the methodological approach of sociological poetics. This discourse analysis locates practical issues associated with parental alienation in the historical desire of eighteenth-century enlightened despots to win the inner consent of their subjects. The contemporary focus is at three scales; first, the World Health Organisation's online debate about the recent inclusion of parental alienation in ICD11, the International Classification of Diseases; secondly, at the micro level in France where the concept of parental alienation is officially banned; and, finally, in debates about specialist treatments in North America. These empirical contexts suggest a vertical power axis transmitting and perpetuating despotism at the family level. The issues of manipulation, social pathologies, subjective truth, and 'white-collar crime' are examined theoretically and philosophically. It is argued that problematic professional responses to parental alienation (PA) which subordinate truthfulness to the goal of reconciliation call for vertical and horizontal reforms to ethically strengthen the role of dialogical truth.

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## Introduction

The term ‘parental alienation’ describes a child’s irrational and pathological rejection of a normally esteemed and involved parent. This painful experience, and the use of the term itself, is the source of great conflict in families and among professionals in law and mental health. Although not exclusively linked to high-conflict separations and divorces, the increasingly reported issue is closely associated with a fundamental lack of family consensus. Psychiatrists and psychologists specialising in the area of parental alienation see the children affected exhibiting emotional deficits reminiscent of child soldiers set against a ‘targeted’ parent and demonstrating a total loyalty to the other ‘favoured’ parent, who is typically content with the breakdown of communication. In these cases, dialogue and mediation need to be highly regulated, often court-ordered, but are controversial in terms of efficacy, timeliness, scientific and moral standards. At the heart of parental alienation is the critical issue of *manipulation*, and the reasons why some children are susceptible to it. Thorny questions dogging the term ‘parental alienation’ are: the existence or extent of ‘brainwashing’, professional competence in distinguishing different forms of abuse, the long term risks for children’s mental health, the fashion for labelling individuals with personality disorders, and, perhaps most controversial of all, how to treat the pathology, if indeed it is one.

This article is in five parts. Following this brief introduction, part two outlines a *longue durée* discourse analysis of parental alienation based on sociological poetics. This method suggests that an understanding of despotism helps to re-articulate and re-connect issues of history, self, and society that appear to be fractured by responses to parental alienation. Part three offers an empirical basis for taking it seriously as a social pathology, albeit loaded with the ethical and ideological pitfalls that the latter term entails, and which are sustained, if not generated, by justice systems and mental-health professionals. The issues appear to be fogged by *cultures* of litigation that have little to do with truth seeking or justice – in line with any definition of a ‘culture’, litigation lends some forms of communication more value than others. In court-ordered programmes parent-child mediation can take the place of full investigation and, in keeping with the history of despotism, this may obscure or splinter a collective viewpoint. In this case, dialogue management centralises decision-making powers and supplants more revealing group conversations.

I analyse the above problems discursively and ethnographically at three scales; first, via the World Health Organisation’s (WHO) online consultation about the recent inclusion of parental alienation in the index of its classification of diseases; secondly, at the micro level in France, where the concept of parental alienation is officially banned and, thirdly, via scholarly debates concerning specialist treatments in North America. For the sake of conciseness, I compare and contrast these different scales within psychological discussions concerning *Indoctrination and Brainwashing*;

*Attachment and Disattachment; Refusal and Intrusion.* Part four offers some theoretical and philosophical reflections. One of the key factors making parental alienation so contentious and difficult to resolve is the legal notion of subjective truth which tends to be reduced to the controversy surrounding 'child-centred' approaches critiqued by forensic psychologists such as Lowenstein (2007, 56). I suggest that the controversy about the management of highly subjective and distorting testimonies from children is only a fraction of larger problems which need to be considered, high among them being the argument in moral philosophy that modern societies are founded on manipulative social relations. In conclusion, part five considers the conceptual challenges of a social pathology and how it might be practically addressed in egalitarian and dialogical terms.

## **The Sociological Poetics of Family-Level Despotism**

Sociological poetics is a form of analysis applied to arts and literature, but it is rooted in Aristotle's *Poetics* written at a time when the art forms were virtually synonymous with questions of statecraft. Likewise, the innovation of Aristotle's *The Politics* was to analyse state formation as an associative poetic interplay of society's various parts. In ancient Athens, this justified a patriarchal pecking order from slaves, children and wives to fathers, the latter being regarded as natural citizens, leaders and the guardians of virtuous social relations (Aristotle 1981, 91-216). The modern sociological poetics developed by literary philosophers such as Mikhail Bakhtin (1895-1975) and cultural sociologists such as Pierre Bourdieu (1930-2002) shows how discursive closures, and the evasion of socio-economic issues, centralise knowledge and fog the nature of competition and conflict over power and resources. Consistent with this methodological tradition, in what follows I discuss parental alienation (PA hereafter) in a broader historical context than is usual.

Dialogue is not such a warm and fuzzy term as it may sound to some ears. From the rebellion against debt enslavement that underpinned the creation of a direct democracy in ancient Athens, conflict and dialogue are two sides of the same coin (Meiksins Wood 1989). Through sustained industrial actions in the twentieth century the public in mass mediated societies saw that dialogue is not the opposite of conflict but is a carefully integrated and strategic part of it. The development of narratives in popular and romantic films in the last century also reveals how dialogues appear and are shaped, or how they are refused or avoided in accordance with society's views of power and authority. In cases of PA, mediation and investigative dialogues are usually accepted by children and their custodial parent only when officially ordered under the threat of penalties for non-compliance. With the exception of duties to report criminal abuse, the carrot many clinicians offer in dealing with these cases is that the process of reconciliation 'is not a truth-seeking exercise' (Fidler and Ward 2017, 26), it is more about constructing a shared narrative for the sake of children. Although

laudable, it seems naive to expect a possibly fictitious consensus to yield long-term reconciliation. Without a serious interest in dishonesty and its causes, shared narratives are likely to be charades in the face of authority. A major obstacle to more durable family narratives is the sort of professional intervention which represents divergent viewpoints via discrete dialogues with the main parties. Ever since Bakhtin's literary analysis, the skilful incorporation of certain divergent viewpoints is a hallmark of democratic quality in the arts, (Swingewood 1986, 148). However, reports using the clinical analysis of the unconscious to avoid realities exposed by more complex group dynamics are a no less fictive means of acquiring authority in civil society.

According to Hobbesian Statecraft 'authority rather than truth makes the law' (Wolin 2004, 43). However, the eighteenth century marks the sophistication of this God-given rationale. The burdens of the Seven Years War (1756-63) provided a strong impetus for a certain consensus between aristocratic rulers and their intellectual houseguests concerning the limits of torture and violence. New arts of governance and control were required, among other things to build the popular morale to fight wars (Hirst 2001, 20 ff.). The need for soft power is made clear in Frederick the Great's 'Essay on the forms of government and duties of sovereigns' written in 1777: 'One can compel by force some poor wretch to utter a certain form of words, yet he will deny to it his inner consent; thus the persecutor has gained nothing' (in Blanning 1990, 278). The 'inner consent' searched for by so-called enlightened despots, such as Frederick, and developed by the Bonaparte dynasty in France, was a necessity for a transition from the conditions of serfdom and slavery to a greater embrace of commerce and imperial markets. The obligations of the feudal order were to be superseded by a Kantian loyalty to private contracts which helped veil the continued treatment of people as property and objects whose liberties would paradoxically depend on their loyalties and ultimate submission to authority.

Today it is argued by PA activists that justice systems have effectively normalised a pathological loyalty to one parent and obstruct the investigation of inner consent. In terms of the *longue durée* one of the obvious flaws in attempts to get to the bottom of these situations is service contracts. In most cases they make dialogical investigation very difficult. Dramatically life-changing reports are prepared on the basis of brief meetings with the individual children and adults directly involved. Extensive group discussions involving all concerned parties very rarely take place. The professionals charged with the poisoned chalice of building supposedly objective knowledge from discrete dialogues have the tendency to avoid sustained strike action, and services may be organised in such a way as to make industrial action unthinkable. In keeping with a specifically Kantian sense of contract loyalty, complaints about inadequate time and

resources are heard most of all when tragedies require public explanation.<sup>1</sup>

The external rupturing of child-parent attachment is an age-old experience with a legal history of egalitarian contestation by women such as the English writer Caroline Norton (1808-1877). However, the issue is the subject of an ever-increasing number of articles, broadcasts, books, and websites. What might be new is the rise of parenting policies in various countries over the last thirty years which also saw rising divorce rates. The policies have been backed up by a variety of new institutions which, rather ambiguously, attempt to support and police the family. Socio-economic efficiencies provide the political motivation for technocratic style parenting policies that do not interfere with the status quo in education or public services and are thought to save states from the future health and welfare costs of ‘incompetent’ parenting (Martin 2016, 10; Martin 2003). It is argued that parenting policies make the family into a social problem, and a target which is used to shift the blame for state and market failures from governments to the family. In thinly veiled terms, unless they breed the sort of individualistic reflexivity demanded by the economic system, parenting discourse invites us all to blame our families for our misfortunes. This public discourse appears to form the contemporary ideological backdrop for PA, specifically for the sort of accusations of negligence or insensitivity voiced somewhat robotically (from a diagnostic point of view) by alienated children and adolescents. It is not difficult to see how the general political discourse of the incompetent parent supposedly responsible for future socio-economic failure might influence court proceedings. If a favoured parent appears to represent a functioning child-adult alliance, patently unreasonable attitudes or conduct towards the other parent might be normalised.

Family litigation is the context in which a pathological form of alienation suffered by children has been increasingly defined using psychological theories and methods (e.g. Warshak 2003; Baker 2007; Lowenstien 2007; Baker and Sauber 2013; Childress 2015; Broca and Odeidnetz 2016). The still controversial theorisation identifies parents with narcissistic personalities who turn their children into ‘child soldiers’, but diagnosis centres on a counter-intuitive approach subject to heated methodological debates, and PA cases are plagued by litigation. However, it is claimed that competently trained professionals can identify a pathology, and effectively treat it as a form of psychological abuse. PA ‘fingerprints’ are seen in certain traits such as an exaggerated sense of entitlement, not seen in the victims of sexual or physical abuse. It is argued

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1 This questionable tardiness is evident in the explanation given by a psychologist involved in the 2006 ‘judicial disaster’ in Outreau, France. Several adults were wrongly convicted of child sexual abuse, and witnesses later admitted to lying. Pressed to explain the psychological validation of false accusations, Jean-Luc Viaux stated that he was paid only fifteen Euros per hour, and when you pay the same amount you pay for the expertise of a cleaning woman you will only get the expertise of a cleaning woman. See ‘Procès d’ Outreau’, <https://www.youtube.com/watch?v=6kYkadGuOhM> (Accessed August 2019).

that effective treatments often depend on the temporary separation of children from favoured parents responsible for their child's attitudes and isolation. Typically, these children have been isolated from their wider families, including siblings and grandparents and indeed anyone who might question the wisdom of exclusive side-taking.

PA theory focuses on campaigns of subtle denigration carried out by the favoured parents. As noted above in the ancient Athenian context, families are seen to provide the basis of a socio-political order and statecraft itself, yet it would be difficult to separate this long-standing policing tendency from family and kinship bonds that also provide primary traditions of solidarity (i.e. a risk shared). Perhaps PA could be avoided by some people if their 'until death us do part' commitments were more like workers' solidarity, in so far as mutual respect is expected to survive, or even deepen, after a possible defeat – in this case in the known afterlife of separation and divorce. Granted, a bit of poetic tinkering to take account of a growing statistical failure and encourage sustainable kindness and mutual support would be a very weak reform. Yet today's discourses of PA appear equally unlikely to improve matters in the absence of egalitarian reasoning about double standards in public services.

When justice systems, via secure institutions, effectively take on the parental role for child offenders, accusations of abuse seem to be treated lightly by comparison with the inflationary responses to conflict at the family level. At the time of writing, in Britain children are held in officially 'unsafe' institutions run by private sector partners.<sup>2</sup> More generally it is argued that middle-class concerns skew child welfare priorities (Costin, Karger, and Stoesz 1996). While trade union movements have enjoyed success in some countries in defending services against cutbacks and privatisation, none have yet come up with an effective model of international solidarity to challenge the fiscal elusiveness of globalisation (McCallum 2013). Even when confronted with major environmental issues, calls for progressive taxation and public spending are immediately countered with discussions of disinvestment. The fear of 'capital flight' is used to rationalise reductions in spending on almost everything except warfare. From Rousseau (1712-1778) onwards, despotism has been defined as governance based on fear rather than law (cf. Rousseau 2003, 60); and as PA specialists point out, children have much to fear in parental conflicts. Siding with one parent might be experienced as preferable, in the short term, to witnessing the crossfire between both. Notwithstanding long-term psychological risks, the coming generations face an equally uncertain future because of state and market failures at the environmental level. In this general conjuncture a shift towards various micro-level despotic traits is a disturbing possibility and comprehensible as populations are encouraged to exchange liberty and reason for sheer loyalty.

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2 'Youth Justice?' *File on Four*, BBC Radio 4, available at <https://www.bbc.co.uk/sounds/play/m00017th> (Accessed August 2019).

## Observations

Here I examine published and online arguments about PA. I also draw on participant observation, particularly my partner's first-hand experience. She is a schoolteacher, and one of the many divorcees in France and elsewhere affected by the phenomenon. Officially reported in her case as '*diabolisation*' (demonisation), such rejections of a parent were often presented as mainly affecting men under the banner of 'father's rights'. However, statistics and social dynamics are anything but clear and certainly not reducible to a gender issue. Forthcoming research exploring the gender distribution of PA cases suggests custody is a major influence making parents vulnerable to alienation (See Koch *n.d.*). However, even a woman with custody who leaves a family home with her children may be vulnerable to manipulation if the ex-partner continues to occupy the children's known *habitas* and represents stability rather than rupture to children who have difficulties adapting to a new life and uncertain surroundings (Bourdieu 2010, 166 ff; Lizardo 2004). Factors which might aggravate a 'cleft *habitas*' and contribute to the complex alienation from parents of either sex may be class sensibilities, religious beliefs, schooling, sexual orientation, etc. (Bourdieu 2007, 100-103). In general, alienated parents may well feel that their lives and rights are used against them.

In my partner's case her elder daughters, aged 11 and 13, were encouraged to hold a secret Catholic communion ceremony for the eldest, and the two girls went on to disavow their relationship with our daughter, their formerly adored half-sibling aged 3, on the grounds that my partner and I were not married. An illegal abduction was used to evade family therapy. Judges overlook such evidence of manipulation, and violations of the rule of law also occur whereby serious accusations are concealed, denying parents the fundamental right to a proper defence. Such Kafkaesque 'trials by ambush' are no longer permitted in European civil cases (Bingham 2010, 98-109). However, profound irregularities can take months to reach appeal, by which time children may be subject to guilty feelings and be enmeshed by manipulation and anxieties which make resolutions all the more complex.

Some of the most prominent researchers on PA are women such as Amy Baker (2007), who examines the accounts of adults who, as children, were manipulated to reject their mothers.<sup>3</sup> Yet egalitarian issues tend to be obscured by highly gendered disputes about PA that would appear to have less to do with feminism than with a regression to a pre-feminist war of the sexes. In 2019, PA was indexed by the WHO in the ICD-11 (11th Revision of the *International Classification of Diseases*) under

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3 For other adult testimonies, see Murphy and Murphy (2018), and Amanda Sillars interview by Dorcy Pruter, <https://www.youtube.com/watch?v=OBQ017-GeiU> (Accessed August 2019).

the general category of 'Caregiver-child relationship problem' (WHO 2019). The modest proposal met with considerable resistance as objections were posted on the WHO website for advance consultation. The vast majority of objections against the inclusion of PA argued the diagnosis is misused as a distraction from rational reasons for estrangement, such as sexual or physical abuse. Among them was a petition claiming that PA is 'junk science' with 157 international signatures, almost exclusively from women. However, objections made on the basis of misuse ignore the distinction between alienation and estrangement pointed out by William Bernet (President of the Parental Alienation Study Group) and others. As discussed above, PA specifically describes a child's rejection of a normal-range parent with whom they formerly enjoyed warm relations and who wishes contact and communication, and it was pointed out by Nick Child, a retired child psychiatrist, that misdiagnosis does not invalidate the concept of PA itself. Yet many objections appeared to ignore its basic precepts and detracted from a possible discussion of a *social pathology* with the medical and ethical issues that term entails.

Within the Frankfurt School tradition of critical theory, Honeth (2014) argues that the juridical structuring of the family conflict – portrayed in the 1979 film *Kramer vs. Kramer* – is a social pathology. However, the implication that society is an organism subject to social infections has an ugly genocidal history, experienced directly by the Jewish founders of critical theory in Germany. Among their long-standing concerns is the threat of fascism arising within democracy (Habermas 1989, vii). One of the most significant questions arising from this historically reflexive tradition attentive to the conceptual pitfalls of social pathologies is 'what legitimates one to be a doctor of society?' (Freyenhagen 2018, 3). Through such legitimising processes, vertical market and state failures are turned into diseases that demand technocratic intervention rather than egalitarian socio-economic reforms. Typically, the technocratic treatment involves splitting up groups and 'dispersing the concentrations' (CDP 1977, 54) (cf. Rousseau 2003, 16).

The WHO member-states retain the important decision-making powers about interpretation and implementation of ICD 11, and the system of advance public consultation is part of the WHO's own internal reform programme. Logged objections to the indexing of PA merely on the grounds of cynical misuse or professional misapplication were void since they apply to virtually any diagnosis in the WHO's classification of diseases. Cancer cells are visible, and the failure to diagnose cancer early on, the concealment of evidence about its causes (e.g. smoking or pollution), and ineffective treatments driven by commercial speculation have all had devastating consequences. (Delvecchio Good 2007, 362-380). Likewise, the behaviour patterns associated with PA are visible and audible in refusals to see a parent for dubiously stated and often patently frivolous reasons. Although the causes, the need for timely



therapeutic action and the long-term effects are disputed, it would be extremely implausible to deny that children can be manipulated against their family rights and mental-health interests. Therefore, it was scientifically appropriate to index PA in a more general diagnostic category as it presently appears in ICD.11.

Nevertheless, this leaves another type of more coherent objection against PA, namely that irrational rejections of a parent are psychologically complex, involve multiple causal factors, and are in fact compatible with normal child development. Jean Mercer articulates this position in an article entitled 'Are intensive parental alienation treatments effective and safe for children and adolescents?' (Mercer 2019). Mercer has a reputation as a forceful critic of non-conventional therapies; she is also signatory to another petition to the WHO containing 173 signatures from professionals opposing any reference to PA.<sup>4</sup> Mercer's (2019) objections to PA treatments stand out for a certain rigour but cannot avoid controversy about children's rights – increasingly high among them the right not to be turned into child soldiers.<sup>5</sup> Although not involved in real war zones, when children or adolescents become partisans in parental conflict, and exhibit extreme beliefs or conduct suggestive of pathologies, these youngsters have a right to competent investigation and treatment. Since society does not expect general practitioners to deal with cancer, generally trained psychologists or psychiatrists cannot be expected to solve conflicts embedded in complex family relations only partly visible to them.

Professionals trying to make advances in this area use PA and related terms to articulate scientific curiosity. Nevertheless, as Mercer argues, the psycho-education treatments for PA supported by psychologists such as Childress and Warshak cited above need to demonstrate medium and longer-term restorations of tolerant relationships and therefore be transparent about their efficacy and their failure rates. Childress, who is highly critical of poorly theorised approaches to PA as a form of psychological abuse, expresses a faith in a reputation market weeding out inferior expertise.<sup>6</sup> Mercer (2019) does not engage in Childress's (2015) theoretical work on 'pathogenic parenting' based, as Childress insists, only on standard psychological theory.<sup>7</sup> Mercer instead marshals her arguments by pointing out lack of random control tests in the

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4 'Collective Memo of Concern to: World Health Organization, RE: Inclusion of 'Parental Alienation' as a Caregiver-child relationship problem' [April 22, 2019].

5 See *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (2000), <https://childrenandarmedconflict.un.org/tools-for-action/optional-protocol/> (Accessed May 2019).

6 See 'Protecting Your Allies in Mental Health - Dr. Childress', <https://www.youtube.com/watch?v=YGLIF7tM98> (Accessed August 2019).

7 Childress's PA model abandons controversial concepts used in the original theorisation of PA by Richard A. Gardener (1931-2003). See Childress (2015): 1-7.

still experimental North American treatments programmes favoured by Childress, Warshak and others. She also critiques these treatments as questionable business models with high financial costs unjustly distributed to custodial parents.

Yet the issue of efficacy has little to do with whether or not the term PA is used. In France where *aliénation parentale* has been the object of governmental gender politics, the term became a legal taboo, yet low scientific standards and a lack of accountability in traditional reunification therapies appear far worse.<sup>8</sup> It is not uncommon in France to be refused any information about failure rates, nor is longitudinal data for long-standing programmes available in other European countries. PA activists suggest that extremely high failure rates are in fact the norm in conventional reunification approaches. Whatever the true state of affairs actually is, Mercer's critique is focused on North American PA treatments that are more transparent and accessible. For some this may signal market efficiencies viewed somewhat optimistically by Childress.

However, the lack of scientific clarity about therapy programmes reflects a complicated mixture of state and market failures. One of the reasons for the unaccountability of court-ordered programmes is that the possible negative psychological effects of parental warfare have become banal as a result of scientific vagueness about evidence in mental-health treatments generally (Priebe and Slade 2002). The benefits of the pleasant surroundings and activities that costly PA treatments bring alienated children and parents to in North America are easier to understand than some of the more sophisticated scientific claims about reconciliation based on a possibly superficial *modus vivendi* which buries rather than analyses dishonesty (cf. Priebe and Slade 2002, 232-233). Nick Child recalls that during his career as a child psychiatrist 'family therapy turned very much to post-modern and relative ways of thinking and working' while at the same time 'being interested in keeping its uncomfortable membership of the medical camp.'<sup>9</sup> Anthony Easthope's (1999) historical appraisal of the influence of psychoanalysis on the general scientific category of *the Unconscious*, concludes that 'there is no question that psychoanalysis licenses some kind of post-modern flight into a free-floating world without the necessity for responsibility and choice' (Easthope 1999, 169).

One of the PA treatments discussed by Mercer is the Overcoming Barriers Camp (OBC) programme running summer camps in California. This is a unique initiative: rather than centring on the relationship between a rejected parent and alienated child, this (non-profit) project is based on a multi-family approach that assembles

8 See 'Justice 2018, Proscription du «Syndrome d'Aliénation Parentale» c'est officiel', Marie-Christine Gryson, <https://blogs.mediapart.fr/marie-christine-gryson/blog/050918/justice-2018-proscription-du-syndrome-dalienation-parentale-cest-officiel> (Accessed May 2019).

9 Correspondence with Child.

several families suffering internal conflicts into a group including grand-parents and stepparents, etc. As with other PA treatments, custodial parents usually agree to the programme only under threat of judicial penalties. According to Dr Mathew Sullivan, current President of the Association of Family and Conciliation Courts, and a founder of the OBC programme, the camps successfully utilise inter-family dynamics to loosen up alliances and discuss ‘distortions’ of reality.<sup>10</sup> Although Sullivan agrees that meaningful reconciliation depends on truthfulness, he prefers not to refer to ‘lies’ in the therapeutic context; however, cases can involve vicious false allegations and, as he admits, there are some which progress in the therapeutic context of the camp but go back to square one a few months later. An independent evaluation of OBC supports this mixed account of success and failure (Saini 2019). For Sullivan, the treatment of PA is somewhat bogged down in a polarised scholarly argument between PA advocates such as Bernet (responsible for proposing the term to the ICD-11, thus almost guaranteeing negative reactions from their adversaries such as Mercer). PA may be understood as the institutionalised rationing, or even the complete absence of dialogues. However, this reality is at least partly shaped by professional meta-discussions.

Mercer (2019) argues that evaluations for Overcoming Barriers, and other programmes she regards as only ‘promising’ are not sufficiently rigorous, and implies her approach and terminology concerning family conflicts are more scientifically objective. Yet Mercer appears quite unconcerned with the problem of getting to the truth in situations of emotional manipulation where children’s feelings of shame and fear can generate misplaced or false solidarities. Although published by the *Journal of Child Custody*, Mercer’s article glosses over the related legal issues, merely noting low standards of evidence often found in family courts (Mercer 2019, 23). In the following subsections I discuss three of Mercer’s (2019) critical standpoints. They are indicative of the discursive fogging of PA as a social pathology transmitted through a vertical institutional axis at the core of dialogue management in PA type cases.

### **Indoctrination and brainwashing**

For Mercer brainwashing is a scientifically implausible and unfalsifiable ideological concept originated in the United States during the Cold War, specifically in 1950s scare stories about Chinese communism. However, this discussion of brainwashing is rather misleading. Mercer avoids a consideration of the borders between education, persuasion and indoctrination, and she uses the term ‘ideology’ in a pejorative sense that would be meaningless in political science. To say that ideology is an unfalsifiable concept would be to miss the point, namely the valid scientific interest in understanding matters of spirit and conduct. The pre-history of the profoundly

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10 Interview with Sullivan.

ideological concept of brainwashing actually appears at least a century earlier. In Britain its discursive origins coincide with the existence of the popular non-commercial press connected to the Chartist movement. In 1852, fighting off the commercial appropriation and subversion of the workers' cause, the *People's Paper* wrote: 'Heaven preserve us from the kind masters. Brutal tyranny can enslave the body, but brutal kindness does worse it enslaves the mind...' (Harrison 1974, 136). This political history has an analogous relationship with critically reflexive research concerning the boundaries between education, persuasion and indoctrination, oddly passed over by Mercer. Widely reported judicial scandals in the US revealed manipulative forms of evidence gathering from children and the unquestioning acceptance by courts of wildly improbable evidence of sexual abuse (Costin, Karger, Stoesz 1996, 14 ff.). Psychological experiments in schools showed the ease with which striking 'false memories' may be instilled in young children through a gradually inflationary series of suggestions and prompts.<sup>11</sup>

A less verifiable but equally troubling issue articulated in moral philosophy is acutely relevant to Mercer's attempt to diminish the potential consequences of manipulation and indoctrination. In his influential book *After Virtue*, the philosopher Alasdair MacIntyre argues that a utilitarian collapse of means and ends that ranges across management, aesthetics and therapeutics encourages emotionally manipulative social relations to be adopted at different institutional scales, so everyone becomes someone else's end (MacIntyre 1981, 30 ff.). However, lacking any real means to form a democratic consensus about morality, modern capitalist societies are unable to rationally distinguish common goods from things that gratify us personally. Virtues such as courage and honesty are simulated rather than actually searched for as points on a moral compass (MacIntyre 1991). From this perspective the important question is not whether brainwashing exists; like ideology, it is an ideal type or a working hypothesis. The relevant analytical question is the possible connection of PA to ideology. Since it may reasonably be argued that societies that normalise manipulation as a power technique pave the way for authoritarianism, the issue must be considered more seriously in drawing any conclusions about PA.

### **Attachment and disattachment**

The matters of ideology and moral spirit discussed above do need to be carried over to Mercer's arguments about child and adolescent development. Mercer offers a normative theory of disattachment arguing that proponents of the concept of PA do not sufficiently distinguish between the dynamics of infant and child attachments and the normative process of adolescent *disattachment*. In favour of Mercer's

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11 See also '1980s False Memory and Child Abuse Hysteria' [https://www.youtube.com/watch?v=BPZu9E7C-\\_0](https://www.youtube.com/watch?v=BPZu9E7C-_0) (Accessed August 2019).

argument, one might add that older children and adolescents who have experienced very unpleasant or abusive boarding school education have emerged with complaints, but without necessarily showing bad effects on their longer-term mental health. Childhood resilience should not be underestimated, nor, however, should it be generalised. Although the combined issue of disattachment and resilience seems to be Mercer's basic point, she does not mention such an obvious example of educationally institutionalised disattachment, and one cannot help but wonder if this is because Mercer wants to inflate the stress of PA treatments that temporarily remove children for a few days or weeks from contact with their favoured parent. Although 'coaching' does occur at a distance through calls and text messages and has even been a factor in leading children to matricide,<sup>12</sup> Mercer objects to the confiscation of mobile phones and other strategies she regards as too invasive. However, deploying the precautionary principle in cases where there is evidence of manipulation seems justified and practically necessary. Even during short monthly mediation sessions with an alienated parent, children disappear to the toilet to speak to the favoured parent on a mobile phone.

Mercer seems to take negative childhood anecdotes on PA treatments at face value, not as possible signs of manipulation, but merely as signals of ineffective treatments, whereas PA specialists point to positive anecdotes and user surveys. Notwithstanding the lack of control trials, which remains an issue in therapeutic services generally, a key research issue is surely what can PA treatments tell us about a social pathology? Although PA is described as a pathology the word social is rarely put before it, so many structural issues are evaded. Yet PA seems to be implicitly loaded with questions about the socio-economic power to understand, define, prevent or treat a social ill. Essentially Mercer's position implies that people trying to treat PA have invented a profitable pathology in a way that appeals to unhappy parents going through a particularly traumatic manifestation of the normal disattachment process.

Mercer's account of disattachment plots a normative line of increasing childhood autonomy that implies a high level of respect for irrational adolescent conduct; however, she overlooks breach and repair sequences which other psychologists see as vital to the normative social development that takes place through the ups and downs of the parent-child relationship (Childress 2015, 331; Judge and Deutsch 2017, 80). This seems to be the key issue in PA, namely the concerted attempts on the part of some parents to create breaches in a child's relationship with their other parent in tandem with attempts to obstruct repairs. On its own, parental involvement in the creation of breaches (e.g. raising controversial issues) or interference in repairs (e.g. a concern for truthfulness in mediation processes) may signal perfectly valid parental concerns.

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12 See CBS *48 Hours* on Neurauter murder case, <https://www.cbsnews.com/video/karries-choice/> (Accessed August 2019).

However, the combined and concerted interference with breach and repair sequences (i.e. provoking conflicts and obstructing investigations, normal communication or mediation) deserve to be taken seriously as a general issue of children's rights and mental health, with equally important consequences for parents. As a general social experience, the issue of normal emotional growth through the breaches and repairs of a child's relationship with a parent needs no history. What does have a history is the aristocratic acquisition and disposal of wet-nurses, tutors and other intimate childhood servants with no real moral or educational autonomy. PA cases effectively demote parents to that servant status – left with financial responsibilities and emotional distress they face a vicious pincer movement.

### **Refusal and intrusion**

As if to replace discussion of interference in normal breach and repair processes, Mercer uses the concept of 'intrusive parenting' to shift the critical focus onto the adult victim. Facing the sort of manipulative conduct described by psychologists under the category of PA, Mercer represents defensive responses on the part of *targeted parents* (a term she rejects) with an overly needy and intrusive attitude. In Mercer's words, 'parents' demands for more affection are likely to create more resistance' (Mercer 2019, 39). Mercer's extremely simplistic description of contact issues here lumps together what she admits are 'attempts to gain psychological control' through 'manipulative tactics' with the responses of targeted parents that are in fact firmly in the realm of the meaningful and legal exercise of parental authority. In keeping with the mores of persecutory therapists critiqued by Meares and Hobson (1977), psychologists tend to act as professional gatekeepers calling into question parents' legitimate attempts to protect the value of reason and truthfulness, leaping instead to highly questionable conclusions about a parent's unwillingness to 'let go'. This is certainly Mercer's failing in her remarkably one-sided account of irrational adolescent rejections where she refers anecdotally to the potential trauma of PA treatments which temporarily remove children or adolescents from a parent suspected of manipulation. Mercer overlooks the longer-term trauma otherwise experienced by many parents and wider families who are typically cut off for years and await the return of guilt-ridden strangers brought up in a spirit of dishonesty and self-deception.

The long-standing relationship between statecraft and parenting discourses and policies means that there is no state of nature allowing a psychologist to view family gatekeeping separately from its vertical scholarly and institutional structuring by writers such as Mercer. Its worst excesses are portrayed in Ken Loach's award winning 1994 film *Ladybird Ladybird* about a working-class woman whose children are forcibly taken into care at birth by a shallow justice system and autocratic social services policing the family. The fictional adaptation of this real case is also an interesting example of a truth-seeking exercise that rejects some of the vertical power structures

in film making (Bennett 1994). While Mercer registers the fact that children go to great lengths to avoid school, she fails to recognise the double standard that refusals of schooling are taken seriously and timely resolutions are sought out as a matter of urgency. In overlooking this double standard, Mercer effectively normalises parental refusals on the pretext that 'some but not all adolescents can think about thinking' (Mercer 2019, 32). By evading Childress's theorisation of PA within well-established psychological theories, and by also evading a serious discussion of the controversial idea of 'brainwashing', Mercer is able to rationalise submissive and robotic character traits. Submitted to a different journal, Mercer's naturalising assumption about a significant reflexivity deficit might raise sociological questions about general educational norms and socio-economic powerlessness. However, with one rhetorical gesture, Mercer's article published in the *Journal of Child Custody* actually relieves a vertical power axis (politicians, justice systems, educational and social services) of responsibility and implies that rejected parents concerned for their children's future are in fact psychologically flawed. Psychology is a relatively young and inexact science still in its steam age; a less imperious tone, and more historically and scientifically curious approaches are needed.

## Theoretical and Philosophical Reflections

The objections discussed above to the terminology and treatments for parental alienation are put in secular and scientific language. However, the lack of curiosity about dishonesty appears to be an unconscious hangover from the widely discredited doctrine of original sin, which tells us to expect the worst from children and society. If we take ideology more seriously than Mercer does, then despotism takes us to the issue of licensing social discrimination within the family (ably explored by Philip Roth (1933-2018) in his tragic intertextual novel *The Human Stain*). In mixed marriages and untraditional partnerships, types of discrimination may influence childhood rejections. The historical annals of courtship suggest that the development of Western individualism is related to a belief in the power of love to conquer all ethnic and social distinctions, but once conquered the same differences can be recast in more intimate and tortuous relationships, still governed by fear and the dynamics of domination and submission (cf. Passerini 1999, 3 ff.). On the basis of Mercer's arguments examined above, even if child or adolescent rejections are tainted with unreasonable prejudices, the judicial and public/clinical responses may still be tailored to discrimination.

Notwithstanding structural critiques of political truth and reconciliation processes, there are some instructive examples of real reconciliation at the micro-level following some of the worst political conflicts. Some of these cases in South Africa are explored ethnographically by Scheper-Hughes (2007), who suggests that four levels of truth, identified by Justice Albie Sachs, help to explain the inter-personal reconciliations that sometimes occurred between killers and the families of their victims. In Sachs' view the

four levels of truth are (1) legal, (2) logical, (3) experiential and (4) dialogical truth. Scheper-Hughes supports Sachs's view that South Africa's Truth and Reconciliation Commission 'was most able to produce the fourth, dialogical, truth' negotiated out of a 'cacophony' of voices with their own experiential, or subjective, truths. This somewhat post-modern compromise resembled the dissembling tactics of the old apartheid regime as its adherents saw a window of opportunity for a new manipulative approach to public relations. This 'good enough' post-modern truth disappointed many, including Justice Sachs and Archbishop Desmond Tutu, who observed that supporters of apartheid 'lied as if it was going out fashion, brazenly, and with considerable conviction' (in Scheper-Hughes 2007, 202-203). In the cases of needless violence and suffering, for every story of contextual understanding and reconciliation among the warring parties, more suggest a lack of remorse, entrenchment and self-justification. These failings are connected to certain fraudulent political desires for a shared narrative that would subordinate important matters of truth. However, they also stem from the temporary and truncated nature of the reconciliation commission and its retrospective character. In the case of PA there are surely other, more timely and prolonged ways to morally strengthen dialogical truth and make it less of a hostage to fortune.

By contrast with technocratic division and dispersal tactics, the Overcoming Barriers Camps mentioned above are suggestive of the potential for timelier, and longer-term, dialogical responses to PA that should bring all concerned parties together *before* alienation becomes institutionalised and discursively ritualised by a painfully slow and costly justice systems (Cf. Childress 2015, 20). The principle that justice delayed is justice denied has great bearing on PA cases since the consequences of delayed intervention are very hard to rectify. In this regard Nick Child (2019), points out that the fabrication of allegations is a punishable crime, but family courts turn a blind eye and allow allegations of sexual or physical abuse to fog their proceedings. One signal of PA is the mixture of frivolous complaints with more serious ones, and this can have the effect of infantilising proceedings. The presence of serious accusations can dignify what would otherwise be regarded as trivial child-like disputes. To clear the air, Child argues that serious allegations should be immediately referred to the police and social services for proper investigation. The vital principle here is that serious matters ought to be taken seriously; nevertheless, even when complaints are made formally, weeks and months can pass by before they are investigated and dropped, by which time even illegal abductions become a *force majeure*. So it is surely at the earliest signs of crisis that a dialogical approach should be instigated to assist truth seeking and the repairs of breaches created through manipulative or dishonest methods. Perverse emotional bonds created with children are not always sustainable in their adult life, and there are lessons to be drawn here from the history of therapeutic communities. The shortcomings of these attempts to dissolve hierarchy call for transparency about



different types of risk for professionals and users (Fischer and Ferlie 2013).

The maxim that successful enquiry terminates in truth applies to PA, but very little progress seems possible without reforming the way the law views family cases involving webs of deceit and a high level of subjective truth. There is no doubt that subjective truth provides the protective emotional shield for the children involved; their painful experience of conflict can be simplified by withdrawing to one parental trench where whatever complaints or jealousies a child might express receive support, even amplification and grotesque exaggeration. Far from putting children first, this inflationary tendency seems to be a great burden to the children and trivialises court proceedings. Regimes of legal truth seem more competent and historically thoughtful in other areas. In the 2017 case of *Ivey vs. Genting Casinos*, the UK Supreme Court was not in favour of the subjective truth of a gambler who believed his card sorting techniques did not amount to cheating in a game of chance (Supreme Court 2017). The judges had to carefully consider the historical meanings and nuances of 'cheating', 'dishonesty', 'conspiracy' and 'fraud'. Reading through their decision, the idea of turning a blind eye to an institutionalised web of false allegations which has the effect of depriving parents and children of normal relations ought to be regarded as a matter of fraud and as a subversion of justice itself. In scholarly research about failures to address 'white-collar crime', the notion of 'respectability' has been critically examined in making the argument that the real issue is the way 'offenders exploit the structural vulnerabilities of trust relationships through deception, self-interest, or outright incompetence' (Reurink 2016, 397).

Good news perhaps are the charges brought in 2019 against a German lawyer whose cynical sounding advice about creating conflicts to prevent shared custody was posted online to drum up business.<sup>13</sup> However, the lawyer's foolishness is also an example of the post-virtue world described by MacIntyre (1984; 1994; 2002), so it is worth recalling the arguments about the built-in flaws of utilitarian philosophy and practices which turn everyone into someone else's instrument. For MacIntyre, the utilitarian idea of the greatest public happiness helps underpin self-serving social practices unable to properly identify the common good. On the basis of happy ends justifying the means, any amoral enormity from Auschwitz to Hiroshima may be justified. The only check on this tendency in the foundations of utilitarian thought are justice systems, which, of course, begs the question what happens when they fail? With no obvious sense of nostalgia for the pre-Enlightenment world MacIntyre argues that virtues such as courage and honesty, which were once socially determined as obligations, are now treated as vices. The conduct of opportunistic professionals in

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13 Details of charges against Agnes Wendelmuth: <https://www.facebook.com/491987348002616/posts/567407077127309?s=100022259523402andsfns=mo> (Accessed August 2019).

self-referential reputation markets and the trivialisation of dishonesty in family courts would suggest that families are hostages to a particularly utilitarian misfortune.

At another influential level press reports imply, in rather exaggerated terms, that politicians mad on parenting policies have lost touch with reality. In an economic system which increasingly looks like socialism for the rich and capitalism for the poor, politicians certainly have little good news to offer the mass of voters. So the metamorphosis of the political class into the guardians of the child against the background of rising divorce rates in a larger economic context riddled with political double standards is an obvious ideological expediency. Yet it is still vital to consider an educational approach to co-parenting in schools. The dangers of manipulation could be openly discussed from the early years as a variety of bullying, which is already addressed with some success. Arguably schools should respond to the social reality of family separations and protect children from negative consequences. However, MacIntyre's critiques give a clue to the political obstruction to such practical proposals for building social intelligence, namely that liberalism's morally incompatible panoply of practices is the ideological disguise of economic oligarchy. Each of us is invited to falsely believe that our goals are contributions to the greater good. So, without a critically reflexive understanding of the socio-economics of social pathologies, PA activists may be unwittingly swimming with an ideological tide whose tokenistic measures sweep up and dispose of moral issues for society.

At the moment, given the precarious future of our species and climate, the licensing of despotic characteristics in children (what the psychologists call an exaggerated sense of entitlement) is tragically mistimed. Although the trait is encouraged by manipulative parents hiding their own insecurities, they are unlikely to be the only source. *Habitas*, particularly the stick and carrot ethics of social competition and consumerism surely matters. From apartheid to the structured educational inequalities tolerated in most countries or the popularity of gated communities, etc., the social development of an individual *habitas* of isolation, distinction, and segregation is visible. It appears to be largely unquestioned by people on different sides of PA debates who, therefore, lend unconscious validation to a vertical power axis.

## **Conclusion: Social Pathology vs. Social Intelligence**

The contestation of PA cannot be directly compared with the history of clinical vagueness about smoking, or to advertising campaigns where doctors helped play down the effects of the tobacco industry (Gardner and Brandt 2006). Nevertheless, to naturalise family conflicts discussed above does smack of a remarkable lack of curiosity on the part of some psychologists. On the other hand, while the concept of a social

pathology is alluded to by their professional adversaries, it seems largely un-examined. I suggested that it is precisely because of the troubled history of the term, particularly its technocratic use in dispersing the blame for socio-economic failures from states and governments to the people themselves, that a politically reflexive concept of a social pathology is applicable. The Frankfurt School of Critical Theory anticipates a non-technocratic social intelligence capable of speaking truth to power.

Social intelligence needs to emerge dialogically and would require the development of a more quotidian habitus, not costly summer camps that come too late for many. The methodological approach I have taken represents a hybrid theorisation of PA which suggests that professionals would do well to speak of a social pathology requiring vertical and horizontal social solutions. The former involves reforms to legal and technocratic power structures that appear unconcerned by despotism and fraud at the family level. Crucial judicial reforms are already being called for. Yet vertical reforms would be weak without horizontal action to strengthen the character of dialogical truth. Its problematic status was exemplified above by the South African Truth and Reconciliation Commission (TRC). Alongside authentic reconciliations, TRC supporters saw the failings of an expedient attempt to construct a shared narrative. In terms of assisting despotic power, these investigative failings are analogous to the truncated interviews which feed court reports and put various social workers into a position where they centralise and validate superficial knowledge. In this way, discretionary powers may be exercised in a manner that plays into the hands of despotism at different levels of society and isolates social pathologies in the long tradition of blaming the victims. The fog of parental alienation appears like a shroud cast over the most basic form of solidarity adhered to by healthy adults, namely a consensus which says that malicious dishonesty and an inflated sense of entitlement are undesirable character traits to be discouraged from the earliest years. If not, children's capacities will be eroded, and the social imagination will become more like *Lord of the Flies* than *Peter Pan*.

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