Disciplining Divorcing Parents: The Social Construction of Parental Alienation Syndrome

by

FRANCOISE T. BESSETTE

A thesis submitted to the Department of Sociology

In conformity with the requirements for

the degree of Master of Arts

Queen's University

Kingston, Ontario, Canada

September, 2008

Abstract

Using a social constructionist perspective, this thesis explores the development of the concepts of "parental alienation syndrome" and "false allegations" in the context of custody and access, as 'social problems'. Following Joel Best's framework for critically analysing social problems, it examines the life course of these concepts through an historical account of Canada's divorce arena and recent changes to custody and access law. It analyzes the reasoning and motives of the major claimsmakers: the Fathers' Right Movement, medical experts, the legal arena and the counter-claims of Feminist activists. It examines the role of the supervised access facilitator in the construction of the concepts as 'social problems'. The theories of psychiatrist Richard Gardner are examined in particular, due to their pivotal role in the advancement of the claimsmakers' goals. Finally, empirical studies are reviewed and analyzed, demonstrating how the concepts of "parental alienation syndrome" and "false allegations" have mutated and permeated the domain of divorce and access in Western society.

Acknowledgement

At the top of my list, I have only one name, Dr. Roberta Hamilton. Thank you so much Roberta for all your encouragement, expertise, and patience; because of you the experience of writing this thesis was truly an amazing and worthwhile journey. I not only appreciate your clear thinking and meticulous editing, but also your compassion, understanding, and respect for my life's personal circumstances.

I am also indebted to Dr. Vincent Sacco who met with me several times to discuss social constructionism. Vince, your expertise helped direct my efforts along a fruitful path of understanding that gives my work a solid theoretical base.

To my wonderful roommate, Cheryl, I extend my warmest thoughts for all the laughs, sharing, and much needed encouragement throughout the last very long year of this project. You are the best and I wish you success, love and happiness.

Finally, of course, my wonderful family: Diane who broke through the glass ceiling for all the Bessette women most especially for me; my cherished children: Sean, Dena and Ken, who tolerated my long absence without judgment; and Josee, for your love and being there when I needed a hug.

Table of Contents

Chapter 1

Introduction

My interest in the topic of parental alienation began in the late 1990's through my work with court ordered supervised access. My work began through a chance meeting with Jane Grafton, the woman responsible for introducing this service to Vancouver and is now called as an expert witness on matters of supervised access. She started doing the work in the mid 1980's at the request of her husband, a child advocacy lawyer. His clients wished to have their ex-partners, who were court ordered to be supervised during parental visits, supervised by a neutral party because of concerns of bias and denial of wrongdoing by members of ex-partners' immediate family and/or close friends. Within a few months Grafton's business swelled to maximum capacity and she had established a supervision house with several employees. It soon became apparent that specific training was needed to serve the many types of family situations that were referred by the courts for supervision. Karen Flynn, a colleague of Jane Grafton, developed a course under the auspices of the Burnaby School District Adult & Continuing Education to fill this gap. Sixteen women, including myself, enrolled in the initial course, in October 1997, offering a certificate providing the credentials needed to work as a supervisor in contested child custody and access cases involving court-ordered supervised access orders. I was one of two of the first class who completed the program successfully. The course focused on preparing future supervisors to recognize incidents of child endangerment during visits with their non-custodial parent and to write reports of these visits for the use in family court by judges and lawyers.

The course followed the guidelines set by the International Visitation Network[1] and was sanctioned by the BC Ministry of the Attorney General (Burnaby School Board Brochure, undated). Informing much of the course material were two concepts that will be central to this thesis: parental alienation (also referred to as parental alienation syndrome or PAS) and false allegations of sexual abuse. Together these concepts were said to define weapons of vindication ex-partners used against each other. Parental alienation was defined as "one parent (alienating parent) brainwashing their child/ren against the other parent (hated parent)". False allegations of sexual abuse carried this alienation process to the courts and the custody hearings in addition to poisoning their children's minds. Parental alienation appears as gender neutral but in fact most of the elaboration and research dwells on how mothers alienate children from their fathers. The false allegation notion is almost always explicitly about how mothers raise such charges against fathers.

During my five years as a supervisor I assumed that mothers did regularly alienate their children from their fathers – though I assumed that it was because they feared their husbands because of past experiences. I also assumed that mothers did bring false allegations against their children's father although I had many questions and determined to make this topic the subject of a master's thesis. I hypothesized that mothers might use this charge to prevent ex-partners from having contact with their children. I wanted to explore this idea in my thesis.

Once I began my research I was obliged to begin doubting my position regarding the prevalence of false allegations during high conflict custody and access litigation. The evidence for the prevalence of parental alienation and the bringing of false allegations did not appear and a further literature search confirmed that other researchers had not found these practices either.

[1] The First International Conference on Child Access Services was held in Paris in November 1998 at which time standards and guidelines for supervised visitation practices were adopted.
http://www.accsa.org.au/paris.html#ARCHIVE

The research I undertook involved the examination of reported court judgments for a three-year period of 2005, 2006 and 2007 in the Province of British Columbia, available on line through Simon Fraser and Queen's Universities. I perused all the files pertaining to custody and access and court-ordered supervision available using the search terms "court ordered supervision" and "supervised access". It is important to note that only contested divorce and separation cases end up in court; in non-contentious cases lawyers work with their respective clients and agree to orders that are routinely signed by a judge and rubber-stamped by the court registry. According to Jane Pulkingham (1999), less than 4% of divorce cases involving custody of children are contested.

I found very few cases where custodial mothers requested the court for no access or supervised access orders for their ex-partners. Indeed, most of the requests for parental supervision came from the Ministry of Children and involved cases of neglect and/or abuse in families where the children were already in foster care; supervised access was requested for the mother, usually in single parent families, or for both parents when living together. Of those few cases that did involve custodial mothers requesting limitations on visits the judges rarely agreed to the request.

Further research confirmed my findings. Nicholas Bala has examined all family law judgments available in Canada through QuickLaw (excluding child protection and criminal cases) from 1990 to 1998. While his questions were different from mine, his findings appeared to confirm the research that I had done on the court records. In 2001 Nicholas Bala, Joanne Paetsch, Nico Trocmé, John Schuman, Sherri Tanchak and Joseph Hornick prepared and presented a discussion paper to the Family, Children and Youth Section of the Department of Justice Canada regarding "Allegations of Child Abuse in the Context of Parental Separation".

The paper was in response to "strong concerns" voiced at the public hearings held by the Joint Commission[2] that the false allegation tactic was being used in court by many family law litigants. Bala et al addressed four questions in their research, two of which pertain to my research. The first asked, "What are the nature and extent of allegations of child abuse in the context of parental separation?" and the second, "What are the key issues associated with false allegations of abuse in this context?" Their other two areas of interest in the paper covered the responses and strategies to these types of problems by child protection agencies and the civil and criminal legal systems (Bala et al, 2001:v).

Bala and his colleagues found cases of false allegations of abuse occurred infrequently, and most of these could be explained by other than vindictive motives. Their research found that less than 2% of separations involve abuse allegations and they state that their research could not confirm that these types of allegations occurred more often in cases of separation than in general (Bala et al, 2001:viii). In a literature review of Canadian studies I also found that fewer than 2% of contested custody and access cases involve accusations of sexual and/or physical abuse allegations (Penfold, 1997; N. Thoennes & P.G. Tjaden, 1990); of these, only approximately 8% have been found to be false (Jones & McGraw, 1987).

This information forced me to question the validity of the supervised access training I had taken and reflect on the impact I have had on the lives of those I supervised. I wondered how this new social service area developed from a place meant to protect children from neglect and abuse, while allowing for a parent/child relationship, to one defined as a place for protection against alienation of fathers by mothers.

As a result of these findings, my research topic shifted dramatically. I am interested in:

[2] "The Special Joint Committee on Child Custody and Access was struck [in 1997] to examine and analyze custody and access issues and to look for better ways to ensure positive outcomes for children whose parents divorce" (Department of Justice Canada. (2002).

(1) How the notion of custodial mothers using the "false allegation" defence in cases of high conflict divorce developed; and

(2) How the concept of Parental Alienation Syndrome (PAS) developed as a legal tactic used by non-custodial parents as leverage in high-conflict custody cases.

Chapter Two introduces the reader to the perspective of social constructionism and some of its major players. I specifically elaborate on the work of Joel Best and Donileen Loseke and their concept of contextual constructionism. The importance of language to society is also addressed, as is the concept of "medicalization" which is explored using the work of Peter Conrad. Finally, the role of the social problem worker is discussed with an emphasis on Loseke's notion of "formula stories".

Chapter Three is divided into several areas of research: the first area looks at the day-to-day implications of the job of a *court ordered supervisor*. It describes the responsibilities, discretionary power and implications for the client. This is followed by a short historical account of Canada's custody and access arena including an overview of the history of the provincial family courts' response to divorcing parents and changes in federal and provincial laws and responsibilities before and since the enactment of the first federal divorce act in 1968. This is followed by a discussion of the Special Joint Committee of the Senate and House of Commons' review in 1998 of custody and access law. Next, the Fathers' Rights Movement is examined with a focus on two studies of Ontario groups in the early 1990's.

In Chapter Four I examine the concepts of parental alienation syndrome and false allegations developed by psychiatrist Richard Gardner. These concepts have had considerable impact on custody proceedings particularly because Richard Gardner worked on many cases as a court medical expert, and because they were taken up by the Fathers' Rights Movement. I

explore the ways in which these concepts have served to medicalize parent-children relationships and how they were used to introduce new legal arguments about custody; and I consider the implications of the social construction of Parental Alienation Syndrome as a tool for non-custodial parents fighting against allegations of sexual abuse. Finally, some empirical studies are reviewed and analyzed to show how the concepts have mutated and permeated the domain of divorce and access in Western society.

The conclusion recapitulates the path Parental Alienation Syndrome has taken since its inception in 1985 and the role I found myself inadvertently playing on its behalf as a court ordered supervisor. My hope is the reader finds the thesis interesting and that it triggers further interest in how, why and by whom concepts as ambiguous as parental alienation syndrome and false allegations are constructed and come to be accepted as social problems by the general public.

Chapter 2

The Theory

A Constructionist Approach

The kinds of questions I hope to answer can best be approached using a social constructionist perspective. By examining the life course of parental alienation syndrome and false allegations as social problems, the reasoning and motives behind the phenomena will become clearer and be uncovered. Although I have arrived at this stage in my thinking through a feminist perspective, I wanted to analyze these issues with as much as an unbiased approach as is feasible, giving equal weight to all claims.

Peter Berger and Thomas Luckmann are important architects of social constructionism. Their 1966 book "The Social Construction of Reality" was rooted in their understanding of the works of Marx, Weber, Durkheim and especially that of George Herbert Mead and his theories on symbolic-interactionism (1967:17). They advanced the sociological theories of these thinkers to incorporate the importance of the role of commonsense knowledge, from the perspective of the members of society, in the "social construction of reality" (1967:15). They defined 'commonsense knowledge' as "what people 'know' as 'reality' in their everyday lives" (1967:15). The focus of the sociological study of social problems shifted from an objectivist perspective that accepts the existence of social problems as objective conditions of society to one that questions why certain conditions are considered problems and by whom. Donileen Loseke defines "objective" as something "real, tangible, measurable" (2003:7). The popularity of the constructionist perspective was further advanced in the next decades through the writings of prominent sociologists such as Herbert Blumer (1971), Malcolm Spector and John Kitsuse,

(1977), Kenneth Gergen (1985), Joel Best (2008, 1995, 1989) and Donileen Loseke (2003). These constructionists established a new way for sociologists to approach the study of social problems by questioning the very definition of the term "social problem". They argued that assuming a social condition is a problem is in itself a subjective, moral decision since the selection of a condition as problematic is "to evaluate the condition as *wrong*" and is a decision social scientists should not be making (2003:10). Instead social scientists should be studying why social problems surface, how they are constructed, by whom and for what goals.

According to Vivian Burr, it is difficult to describe social constructionism in definite terms; however, those social scientists who gravitate to this perspective share similarities in their way of thinking about reality and what is true. Social Constructionists share two major assumptions. The first stems from "criticism of the positivist-empiricist conception of knowledge … that scientific theory serves to reflect or map reality in any direct or decontextualized manner" (Gergen, 1995:266). Sociologists should not assume, they argued, that what they perceive to exist is what actually exists. For example, Burr (1995) used the category of 'gender' to illustrate that social constructionists emphasize the cultural and subcultural diversity of understanding the concepts of "man" and "woman"; therefore they break down the previous assumption that there can only be two genders and that these must be based on biological differences and not some other distinctions. As Gergen put it, constructionism "invites one to challenge the objective basis of conventional knowledge" (1995:266).

The second assumption is that the categorization of all entities, hence the way we understand the world, is historically and culturally specific. Therefore, our comprehension depends on where and when we exist. Burr points out that the concept of the "child", for instance, has changed in the past centuries in Western cultures from one referring to "small

adults" to people needing protection by adults. "The particular forms of knowledge that abound in any culture are therefore artefacts of it, and we should not assume that *our* ways of understanding are necessarily any better (in terms of being any nearer the truth) than other ways" (Burr, 1995:4; Italics in original text).

The study of social problems, in the realm of sociology, is divided into two major schools of thought: objectivism and constructionism. Objectivists approach social problems as tangible and measurable entities that exist as conditions that are real in society. These social scientists do not identify which conditions are social problems but rather attribute the label to conditions identified by the public as being so. There is no conscious effort to decipher why the public considers certain situations problematic and why some social problems are ignored; they take for granted that existing "punitive" societal conditions[3] pre-exist and are responsible for the social problems. These 'social problems' are then analyzed to uncover which social conditions have led to their existence followed by some practical suggestions to alleviate the harms they caused (Ibarra and Kitsuse, 2003; Best, 1989; Spector and Kitsuse, 1977;).

According to Donileen Loseke the objectivist perspective encompasses theoretical perspectives such as Marxism and feminism which she classifies under "social criticism". Social criticism argues that objective conditions do exist and are problems even if not identified or acted upon by the public (2003:193). Social criticists take the position that social structures such as capitalism and/or patriarchy underlie social problems and sociologists should consciously be working towards the amelioration of the circumstances of the oppressed, hence to achieving social change (2003:194).

[3] "Punitive conditions" is a term coined by Kitsuse and Spector (1973:415) (quoted in Holstein and Miller, 2003:2) to make a distinction from the term "objective conditions". The term was subsequently changed by Peter Ibarra and John Kitsuse (2003:22) to read "condition-category" as a more neutral value term. Joel Best subsequently changed the term again in 2008 to read "troubling condition".

In developing his notion of constructionism Herbert Blumer criticized the objectivist approach and suggested that social problems are not a given but the result of "a process of collective definition" (1971:301) which is accountable for the course and paths of social problems from their inception to their termination. Hence, their existence and identification is not an objective phenomenon resulting from an intrinsic societal pathology but rather a "process of definition in which a condition is picked out and identified as a social problem" (1971:301).

Joel Best divides constructionism into two streams: strict constructionism and contextual constructionism (1989:245). In contrast to the value-laden position of social criticists who promote social change, strict constructionists adhere to a "value-neutral" position and seek to advance knowledge (Loseke, 2003:194). According to strict constructionists Malcolm Spector and John Kitsuse (1977) constructionists should not make value judgments about social problems since they have "no justification for a concept of 'social problems'" (Loseke, 2003:185). Strict constructionism, in Best's words, adapts a "phenomenological sociology [which] argues that all we know of the world is a social construction" (1989:246). They avoid making any assumptions about reality; are only concerned with the claimsmaking process; only examine social conditions from the perspective of the claimsmakers; and make no judgment on the claims being advanced (1989:246).

In 1985 Steve Woolgar and Dorothy Pawluch criticized the practice of social constructionists as "ontological gerrymandering". They stated that constructionists were guilty of judging the merits of the claimsmakers in their case studies but failing to apply the same relativism to their own definitions since they assumed to know the truth about selective "objective conditions" (1985:216). Their work forced constructionists to re-evaluate the theoretical inconsistencies of constructionist thought. In particular, Joel Best began mapping out

what he coined "contextual constructionism". The goal of contextual constructionist doing empirical studies is to answer the "why" questions about social problems such as why a particular situation surfaced as a problem and not another; and why it developed the way it did and not in another form. Analysts doing this work seek causal explanations for social problems by "the examination of claimsmaking activities in relation to the context in which they are embedded" (Bogard, 2003:209). This does actually require the analyst to assume an objective context against which to examine the construction of a social problem, and social constructionists such as Best accept that "ontological gerrymandering" is unavoidable (Best, 1989; Loseke, 2003; Holstein and Miller, 2003; and Bogard, 2003).

Claimsmaking

The question asked by contextual constructionists then is: how does a social problem arise? To be considered a problem for a society the condition must be perceived by its population to be egregious. The process of a condition being recognized as a social problem is complex and many deserving situations fail to advance for consideration. Blumer contends that as sociologists we should be most interested in the examination of this selection. If the problem is not acknowledged as pressing and worthy of meaningful attention by the public it will not materialize into a subject of interest for public discussion. It must gain respectability in the press and by politicians, organized religion, and/or other venues of public discourse to move to the next stage of its existence. Many worthy social problems do not follow through, not because they are less important but merely because the conditions (time and place) are inopportune. The merits of the social problem must be considered credible not to be set aside as the ranting of a marginalized group or be so distasteful a subject that it elicits evasion. Blumer had argued that

very few conditions that are harmful are actually taken up as social problems and make it through this step; most are averted, abandoned or arrested for lack of influential advocacy. Of interest is the fact that a social problem need not be of grave importance to the public good or for the public's best interest in order to succeed in obtaining respectability (Blumer, 1971:303).

The process of being identified may involve the actions of different interest groups, both pro and con; the political arena (formation of new laws and legislation); the agenda of powerful organizations and corporations; the role of mass media; and the influence of coincidental and chance events (Blumer, 1971:301).

According to Best those who initiate a claim regarding a social problem are often activists acting on behalf of a social movement; scientific experts promoting the merits of their research; or lawyers advocating for a change in law. All advance a position declaring a particular social condition as wrong and needing to be changed. The question of whether a claim is valid or not has little to do with whether it is initially accepted by the public as a legitimate problem; what is important for the claim to be accepted is its accompanying persuasive arguments by those making the claim. Since claimsmakers and their audiences share the same culture they will most likely find the same kind of arguments persuasive. Persuasive arguments usually follow a "basic rhetorical recipe" made up of *grounds, warrants* and *conclusions* (Best, 2008:31).

Claimsmakers must convince their audience that the condition they claim is a social problem actually is one. A claim's *grounds* is the evidence brought forward to substantiate the claim. Their assertions regarding the existence of a social problem is probably not initially

shared by the general public. They use "typifying examples"[4] to grab their audience's attention. These examples are usually not "typical"; rather they are extreme examples of the condition being championed and vividly identify those who are the victims and those who are the villains. Also, the problem is often named as opposed to described. This allows the audience to connect the name with the typifying examples and to assume they know more about the condition than they really do. Most have catchy names such as "road rage" or "identity theft" (Best, 2008:29). Further, statistics are used to confirm the extent of the problem. At the beginning of the claimsmaking process numbers are usually exaggerated to hook the audience and descriptor words such as "epidemic" and "crime wave" are chosen for their shock value.

Best uses the term *warrants* as a descriptor for "the portion of a claim that justifies doing something about a troubling condition" (2008:343). Warrants appeal to a society's values and beliefs in fairness, justice, equality, and the like. The cultural resources of a claim – the ideas, values, imagery and explanations are not fixed and are prone to changing over time. Therefore, claimsmakers must adjust their rhetoric to account for cultural shifts. Since values are vague, abstract, and difficult to pinpoint as to how they will be interpreted, claimsmakers often use several types of warrants simultaneously to appeal to the different ways people may think about the proposed claim. These may include appealing to people's sense of pity for victims, their sense of equity, or grievances as taxpayers.

The twists and turns of the career of a social problem are virtually impossible to determine. Once it has been identified and legitimated as a social problem, and its advocates have mobilized, formulated and implemented a plan of action, it is still subject to constant changes in interpretation, and in Blumer's perspective, its value for society is always in question.

[4] According to Donileen Loseke Social Constructionists use the term 'typifying' rather than 'stereotyping' because of the negative connotation of the latter expression. It is interpreted in popular culture to refer to a denial of others' complexity; both expressions have a similar meaning: a pre-existing image of a type of thing or person (2003:17).

(1971:302).

Best uses Kingdom's Policy Stream Model to illustrate how the chances of social policy changes are at their greatest when all three of the following factors work together: (1) claimsmakers, the media and the public response have highlighted the problem; (2) policy changes have been proposed by interested parties; and (3) the political appetite for change is present (Best, 2008:202). Often changes occur through stages piggybacking on previous successes (2008:204). Policymaking occurs throughout both the political arena, in the form of laws and legislation; and in non-governmental bodies such as corporations, churches, professional organizations and charities, in the form of rules and regulations (Best, 2008:195).

Once a social problem has been accepted as legitimate it enters the phase of discourse. It is discussed, argued, defended, and criticized by all parties of concern. Both those advocating for change and those defending the status quo may characterize the issue according to their own mindset. Claims may be exaggerated and distorted to advance entrenched positions. Outsiders may join the bandwagon as advocates or critics and edge the debate towards particular outcomes. It is only through this process of "mobilization of action" (Blumer, 1971:303) that social problems move into the realm of organized discussion through committee meetings, political discussion and legislative debate. Through a series of different negotiations, conciliations, appeasements and the like, some workable plan emerges, usually through executive boards and/or government bodies. This phase of the process may skew the original understanding of the social problem and have different goals than those originally conceived, but in the end will reflect the official position and plan of action of the society on the issue in question. The "implementation of the official plan" (Blumer, 1971:304) is never a stable strategy since different factions most often reinterpret the plan once the official version has been released for

use. We often encounter this reaction as resistance in the legal system as those who are being restricted challenge the new laws (Blumer, 1971).

Activists fall into two categories – those who have political clout and those who do not. Outsider claimsmakers, representing most social movement organizations (SMOs) do not have political clout and therefore must rely on sensational news-worthy tactics to attract audience attention. Insider claimsmakers, on the other hand, network with policymakers and need not worry about their concerns being heard through the media. Often they accomplish their goals without media attention therefore avoiding countermoves by opponents (Best, 2008:65). One important consideration in the study of SMOs is how their claims are *framed*. In this context framing refers to how movements construct their claims in ways that attract new members. SMOs often use the same effective tactics to clarify issues for their members as they do with the general public, that is, they frame their claims in such a way to recruit new members by the use of grounds, warrants and conclusions. The goal is to realign the potential members' thinking to correspond with the SMO goals. SMOs often adopt the successful strategies of a *Master Frame* for their own use (Best, 2008:80). The civil rights movement and 'equal rights' Master Frame has been so successful it has been adapted to champion the rights of women, gays, prisoners and fathers (2008:80) and animals (Williams and Williams, 1995:196).

Language and Our Social Life

According to Berger and Luckmann language is defined as the "most important sign system of human society" (1966:37) and it is through language that we experience our reality of everyday life (1966:38). Language enables us to communicate our subjective experiences to others thereby enlarging our repertoire of communal experiences (1966:39*)*. Language allows "the

accumulation [of] a stock of knowledge…which is available to the individual in everyday life" (1966:41). Also of interest to this thesis is Berger and Luckmann's concept of "relevance structures" of the social stock of knowledge (1966:45). There are certain "ready-made" societal rules regarding relevance structures that we use to determine what is and is not relevant to our lives. We pay attention to media information that is relevant to the circumstances we are experiencing at any finite time; what is important to one individual may not be for another (1966:63).

According to Best, claimsmakers exaggerate claims in order to compete for the scarce available "newsholes" in the media domain. Once they have media attention however, they often lose control over the final product as news workers shorten, dramatize and rationalize claims differently than the original (2008:130). The way media workers structure claims, to fit conservative or liberal political agendas, can influence how their audience perceives the social problem. "In some cases, media coverage may give individuals a new perspective on their personal lives, to help them redefine their personal troubles as part of larger social problems" (2008:155). Since without news coverage most claims would not advance to the necessary stages required for social change, claimsmakers purposely package their claims to make it easier for media workers to cover their specific issue of concern (2008:135). Using "landmark narratives", a specific case can be used to represent the typical scenario and become accepted by both the media workers and their audience as representing the gist of the social problem (2008:144). The construction of a media "package", including images, symbols and slogans which illustrates the claim in a reusable concise and sellable entity, benefits both the media workers and their audience by making it easier to add different concerns to the issue as they occur (2008:146).

Part of the process of establishing a new "social problem" is the development of a vocabulary of expressions to convey the specific experience of a particular group of citizens. The terms used to describe and represent the emotions, characteristics, and experiences of those touched by a social problem can change to way we, the public, react to and evaluate those involved in those situations (Loseke, 2001:170). New "formula stories" are developed that encompass typical scenarios that include "specific types of characters" that most likely represent the claimsmakers perceived experiences. Donileen Loseke describes the wife abuse formula stories of the 1990's in this context:

> As such stories become widely acknowledged ways of interpreting and conveying experience, they can become virtual templates for how lived experience may be defined. As formula stories pervade a culture, people increasingly use them to make sense of their lives and experiences (2001:107).

The more the formula story is constructed to reflect the experiences and characteristics of the audience members, the more its use will expand and "influence the ways we evaluate and categorize experiences, ourselves, and those around us" (2001:166).

My research began to reveal that the concepts of parental alienation syndrome and false allegations of sexual abuse took on the qualities of a formula story as fathers related to the characters portrayed in the media stories and learned from them.

Medicalizing a Social Problem

Peter Conrad, one sociologist who pioneered the study of the medicalization of society, argued that medicalization is a process whereby "everyday life has come under medical dominion, influence and supervision" (1992:209). Conrad put forward that the labeling of social problems in medical terms; framing problems using medical criteria; and the use of medical interventions

to treat the problem was a "sociocultural process" that did not necessarily involve the medical profession (1992:209). Best suggests that a consequence to framing a social problem as medical promotes the public to perceive certain social problems as belonging to medical experts, thus putting the onus of responsibility for healing on the individual and not the collective (2007:100). Conrad suggested that medicalization has "replaced" religion as a social control mechanism in Western society as many conditions are now conceptualized as illness rather than sins (1992:213). Best concurs with Conrad and added that the decline in the authority of religious leaders in Western societies has been replaced by a belief in the undisputed authority of medical experts and the scientific community. All actors involved in the construction of social problems, including claimsmakers, politicians and the media defer to these authorities' unquestioned advanced knowledge (2008:98).

Conrad argued that medical social control continues to expand through its authority of defining behaviours as medical (1992:216). Of particular interest is the expansion of the fields of psychiatry and psychology, and along with them, the ongoing inclusion of a vast number of "new" mental disorders and syndromes listed in the *Diagnostic and Statistical Manual of Mental Disorders*[5] (4TH ed.; DSM-IV; American Psychiatric Association, 1994). According to Best medical experts have much to gain by having certain behaviours deemed as medical conditions (2008:102). Their authority as experts becomes more "entrenched" with the expansion of the DSM. Once a condition has been "discovered" and named, the expert takes ownership to it along with all its additional advantages such as increased professional status, appearing in court as an expert witness, writing books on the new "syndrome", training others about it, and so on.

[5] First published in 1952 with 106 classifications of disorders, the newest version published in 1994 lists 297 disorders with an anticipated revised version due in 2011 which is expected to add many more diagnoses to the list (Mayes and Horwitz, 2005:251).

Conrad proposed that medical claimsmaking follows some predictable steps, including, "writing in professional journals, official professional reports, activities in specialty organizations and developing special clinics or services" (1992:218).

Conrad argued that medicalization "far from [being] imperialism…is a form of collective action" (2007:9). He contends that although the medicalization of social problems could not happen without the medical profession, social movements are critical in the process (2007:9). Kurtz and Chalfant add that very few individuals in the medical profession need be involved in re-defining deviant conditions as medical: the process is "political rather than medical-scientific" (1991:214). Conrad gives examples of collective "diagnostic advocacy" accomplished with the help of social movements, which include the medicalization of pre-menstrual syndrome, with the women's movement; post-traumatic stress syndrome, with the Vietnam veterans' movement; and AIDS treatment, with the gay and lesbian movement (2007:9). He emphasized that it was the "explicit politicization and mobilization" of these interest groups that drove their cause forward (2007:9).

Kurtz and Chalfant refer to the "medicalization of deviance" to explain the changes in Western society's attitudes towards some deviant behaviours which were previously categorized as criminal and now considered medical problems (1991:209). This shift has increased the authority of the medical expert in the legal arena as more deviant behaviours are identified as "medical conditions" and removed from the realms of the judicial to that of the psychiatrist (Kurtz and Chalfant, 1991:211). Examples are conditions such as alcoholism, drug addiction, and divorce (Kurtz and Chalfant, 1991:211). As recounted by Kurtz and Chalfant, Conrad proposed that certain antecedent factors must exist before medicalization of a condition could occur. Conrad presented some qualifications to the medicalization process and emphasized that

the process of defining conditions as deviant versus medical is unstable and often flows back and forth between "morality and sickness" (1991:214). Kurtz and Chalfant used the example of alcoholism to illustrate a deviant behaviour making its way through Conrad's model. At one point in time, alcoholism was identified as deviant by both religious and legal definitions and the societal remedies of atonement and punishment were the norm but gradually these were perceived as failing to alleviate the problem. It was in the 1930's that alcoholism was first proposed as a disease and since then has been identified as a medical condition by non-medical agencies such as Alcoholics Anonymous and some areas of the health industry which promote new and more effective ways of dealing with the condition (Kurtz and Chalfant, 1991:219). Conrad's medicalization model suggests that the public's knowledge of the causes of the condition must be vague and unclear; and some in the medical profession must be willing to claim ownership to the condition (Kurtz and Chalfant, 1991:212).

In the case of alcoholism, the information about the prevalence is difficult to calculate and remains debatable (Kurtz and Chalfant, 1991:35). Further, if those in the medical establishment deem the condition will benefit them in some way it is more likely to be constructed as a medical problem. In addition, since Western society is committed to scientific explanations, a condition has more chances of being accepted as a medical problem if it can be explained scientifically (Kurtz and Chalfant. 1991:213). The aforementioned factors are followed by a campaign to obtain legal sanctions recognizing the medical jurisdiction over the condition that acts to eliminate competing claims (Kurtz and Chalfant, 1991:214). In the case of alcoholism, the condition was added to the official list of diagnosed diseases in the DSM at which point it was considered "an institutionalized part of the culture" (Kurtz and Chalfant, 1991:214). Kurtz and Chalfant argued that alcoholism is a good example of a condition

straddling both the legal and the medical spheres, since despite the efforts from interest groups and the medical field it is still perceived by many to be self-serving and a way of avoiding social responsibility (1991:219). However, it is gaining ground as a medical condition with the advancement of "scientific explanations such as those based on nutritional enzymatic approaches" (Kurtz and Chalfant, 1991:213).

> Disease is an elusive entity…[it] is at once a biological event, a generation-specific repertoire of verbal constructs reflecting medicine's intellectual and institutional history, an occasion of and potential legitimation for public policy, an aspect of social role and individual- intrapsychic-identity, a sanction for cultural values, and a structuring element in doctor and patient interactions. In some ways, disease does not exist until we have agreed that it does, by perceiving, naming, and responding to it (Charles E. Rosenberg, 1992:xiii).

Social Problems Workers

On a micro sociological level, those who are affected by social policies are the social problems workers and their clients. Most of us have only a vague understanding and little contact with the world of specialized social problems workers; whether they work in the medical, legal or social services fields, each area is complex and overwhelming to the average person. Therefore, we often have a dim conception of the real implications of their work; mostly we get our information from popular culture through television episodes, newspapers and whatever. At the ground level, those who work directly with clients such as nurses, social workers, and teachers, are governed through a top-down hierarchy whereby policies, rules and regulations are decided by government, organizations and/or associations that regulate the outcome of their work. Therefore social problems workers are usually constrained by many levels of bureaucracy (Best, 2008:226-230).

Loseke explains the influence social problem workers have in reinforcing social problems claims by producing the evidence to substantiate those claims. Since workers begin with preconceived notions of their clients' situations, they will be looking for particular behaviours to justify the decisions they make regarding their clients. The workers have "formula stories" they have been trained to accept and respond to in particular ways that act to confirm the claims (2003:156).

In the next chapter I will start with my role as a social problem worker and the consequences of court ordered supervision on divorced families. This is followed with a short historical account of the Canadian custody and access arena; and finally some background on the Fathers' Rights Movement.

Chapter 3

The Research

A Glimpse at Court Ordered Supervision

As a front line worker in the mid-nineties I began to observe a change in the way non-custodial fathers depicted their parental roles. I noticed pamphlets written for non-custodial fathers using catch phrases such as "Fathers' Rights", "Children need Dads", "Your Visitation Rights", "Child Support for Children Only" and so on. During my stint at the Fraserside Visitation Centre a group of men picketed around the premise during family visits, holding signs with slogans reading, "Fraserside Unfair to Fathers", "Shame on You – Supervisors", and the like. The following gives a glimpse into the work of an access worker.

Supervised access refers to the visitation of non-custodial parents with their child(ren) in the presence of a third person. Until the 1980's[6], in cases of separation/divorce, most supervision of non-custodial parents was done on a volunteer basis by friends or family members. These arrangements were done in the shadow of the law and did not receive Court sanction. However, today the Courts depend on supervised access services, which are now done by for-profit businesses, to accommodate families caught up in high conflict divorce/separation.

By 1986 the governments of Ontario and Manitoba started pilot projects which led to permanent services in most large centers in Canada (Carroll as quoted in Straus and Alda, 1994). By 2006 there were 52 government funded centers throughout Ontario serving over 25,000 families (Ontario Ministry of Attorney General, 2007:1). Supervision programs are now considered an effective monitoring system for the use of family court. Employees document

[6] The first supervision programs have been traced to 1982 in the US (Pearson and Thoennes, 2000:124). They are also now running in at least a dozen other countries, including, Australia, Great Britain and New Zealand (Birnbaum and Alaggia, 2006:120).

activities and emotional reactions of all participants, including the conduct of the custodial parent on arrival and departure. In James and Gibson's words, these records "should include the child's/parent's progress, highlighting positive and negative aspects" of all interactions (1991:82). Supervised parental contacts are most often court ordered in cases of high conflict divorce in which children's safety is an issue and may include cases of spousal violence, child sexual and/or physical abuse, parent alcohol or drug dependency, and parental emotional or mental instability (James and Gibson, 1991:1). In rare situations visits are ordered between grandparents and their grandchildren due to divorce or family alienation (Henderson, 2005:107).

I completed the required classes late April 1998 followed by one hundred hours of practicum work in May and June of the same year with Fraserside Community Services Society in New Westminster, British Columbia. It is a non-profit organization contracted by the Provincial Government to provide community services in the New Westminster area. Fraserside oversees sixteen different types of services to the public, and until 2003, provided a supervised access facility staffed and set up to provide a child friendly location for children and their non-custodial parents to meet when a court order for supervised access was in effect. Most if not all of the referrals were high conflict divorce/separation cases from the lower economic class. A supervisor was assigned to each family as they arrived at the centre, escorted the child/children from the custodial parent to the non-custodial parent, stayed with them while they visited, returned them to their custodial parent at the end of the allotted time, and then wrote observation notes about the visit.

Observations made during the visit were recorded as "observation notes" only, and could not include opinions, suggestions, personal viewpoints, or subjective feelings on behalf of supervisors. They were meant to give the reader information only, including, the appropriateness

of the child's clothing for the increment weather and the condition of the clothes (dirty, torn); and descriptions of the interactions between the children and both their custodial and non-custodial parents throughout the visit with special emphasis on arrival and departure times. Arrival and departure times were selected for special mention because it is during these moments that the children exhibited separation anxieties and their parents were thought to react most naturally and the least defensively. Supervisors were instructed to listen in on the custodial parent's conversation with their children for any negative comments about the upcoming visit with their non-custodial parent. All negative verbal exchanges between the parents and children entered into the notes for the use of family court. We were also trained to evaluate the general appearance of both parents including the condition of their clothing, personal hygiene and disposition (mood). While positive incidents were sometimes reported such as embraces at the beginning and end of the visit, most of the supervisor's attention was focused on identifying situations that reflected unease between a parent and child. Examples of negative behaviours of concern included children refusing to hug or kiss their parent hello or goodbye; children moving their body away from their parent when approached by them for an embrace; crying, grimacing or showing signs of fear at the sight of a parent; children uttering statements such as "I hate you" or "I don't want to see you" to their visiting parent. The report also included any comments or requests made by the children and/or parents such as a child asking the supervisor to tell the judge something on their behalf. This routinely happened since these cases were still before the court. The supervisor wrote the notes from memory after the visit was over and no notes were taken during the two hours of observations. Which events and observations were entered as notes were at the discretion of the supervisor. Although there was no standard format supervisors were trained to write clear factual notes avoiding any expressed opinions that could

be challenged in court. Copies of all notes were accessible to both parents, through a formal written request and payment of a fee, and supervisors could be subpoenaed to appear in court to explain what they had written and why. A cautionary note was included in all notes stating that the context in which the observations occurred was a structured and protected setting and that, therefore, no prediction could be made as to how contacts between the same parent and child might transpire in a less protected setting and without supervision (course material, p.37).

Supervisors needed to be aware of the history of parental dysfunction, including any mental illness, developmental delay, or substance abuse as well as practical arrangements regarding special diets, medication, toileting, clothing, and/or food. Depending on the above information the supervisor would watch for specific behaviours during the visit; for example, if the file included information regarding alleged sexual abuse, the visiting parent was scrutinized more closely than a case of substance abuse. During the former, the supervisor would watch and listen to every interaction between the parent and child and never be more than a few feet away; during the latter, the family would be allowed to play basketball in the outside courtyard without interference from the staff.

One phenomenon highlighted was the "parental alienation syndrome". It was considered prevalent, yet difficult to detect. During the intake process the program supervisor would discuss the possibility of this being an issue with each parent. If either one had concerns regarding their ex-partners speaking ill of them to their children a note was put in the family file and supervisors conducted "close visits" as opposed to "loose". A close visit required the supervisor to be within hearing range of all conversation between the parent and child. More weight was allocated to how the child responded to each parent and any/all comments were up for interpretation by the

supervisor in her notes; therefore, even "innocent" comments could be deemed to be manipulation by one of the parents.

Supervisors were expected to observe the behaviour of both custodial and non-custodial parents during the pick-up and drop-off times, but the non-custodial parents were especially highly disciplined during the meetings. Participating parents both had to agree to a long list of rules before commencing the program, including, arriving punctually for the start and end of the visits; remaining separate, physically and visually, so that contact between them did not occur. Also, parents could not use the children to deliver any support payments or other papers to the other parent. Additionally, there was a long list of forbidden behavior specifically for the non-custodial parents: no smoking in front of the children; no use of cell phones during visits; no use of foul language; no ingestion of alcohol or drugs before or during visits; no physical discipline, or threatening the children; no speaking ill of the other parent or member of their family or friends; no photographs, or audio/visual recorders were allowed. In theory, both parents had to adhere to all rules, but in practice, often, the non-custodial parent became the primary object of observation and reportage because the majority of the supervisor's time was spent observing their interaction with the children; however, during pick-up and drop-off times it was the custodial parents' behavior that was in focus. The five or ten minutes spent with the custodial parent and the children during those times was often intense and thought to be revealing of the influence those parents had on their children's relationship with their non-custodial parents.

Finally, during the summer of 1998 I ventured on my own and began taking clients on a private basis. Most of my clients came from referrals from the Fraserside office and were families who wanted and could afford a more flexible service. The government-subsidized services at Fraserside only provided for visits within limited hours of operation and no privacy

for individual families. Up to four families were scheduled for two-hour visits concurrently and shared the space and toys. Often this resulted in children from different families playing together rather than interacting with their visiting parents. The lack of a private space caused some visiting parents undue stress and embarrassment. Non-custodial parents reported being subjected to humiliation by the very nature of the supervised visits. I was able to cater to my clients' scheduling needs by providing evening and weekend services and by accommodating access orders longer than the two-hour slots available at Fraserside. Many of the visits I supervised lasted six to eight hours on a Saturday or Sunday. I picked up the children from their custodial parent, met the non-custodial parent at a prearranged location, supervised the activities, and afterwards returned the children to their home. My services allowed non-custodial parents and their children to share a meal in a restaurant, see a movie, and go bowling, to the beach, skiing, bike riding, and other activities not opened to them through a supervision house.

As a private supervisor, working on my own allowed me certain personal advantages; for one, I had more discretion and flexibility in choosing clients. Certain potential clients were less desirous because they posed more security risks than others such as the possibility of abduction or acting out violently during visits. Some lived a considerable distance from my home and required services for short periods at a time, therefore were more time consuming and were less lucrative than those clients living at closer proximity who wanted longer visiting times. Finally, some court orders were for one-time only visits such as was the case with a father granted two hours with his young sons to say goodbye. This father had just been released from prison and feared for his life, therefore was leaving the city. The majority of court orders were expected to remain in place for several years, usually until the children reached adolescence. These latter orders involved parents accused of addictions; who had suffered brain injuries; who were

diagnosed with mental illnesses such as depression or personality disorders such as schizophrenia; and those who were accused of sexually abusing their children.

To better understand the launching pad for the construction of the parental alienation syndrome and its accompanying ally, mothers who falsely accuse, as social problems, I will provide some background information that set the stage for these concepts to flourish. Best (2008) and Blumer (1971) argue that social problems follow a "natural history" as they progress through their different stages (Best, 2008:17; Blumer, 1971:301). The first area to peruse is that of custody and access law in Canada.

The Canadian Custody and Access Arena

During marriage the rights and obligations regarding children are vested equally in both parents; upon divorce, the concept of custody becomes blurred and confusing (Douglas, 2001:9). One parent usually has custody which means providing the main residence of the children along with decision-making powers relating to important aspects of their lives; including religious instruction, education, medical care and everyday control and familial care. The non-custodial parent receives access and the right to interact with them and to be kept appraised of certain information about the custodian parent's decisions in regards to them. Joint custody refers to both parents sharing equally in all major decisions; however, it does not necessary follow that they share physical custody equally.

During the early decades of the twentieth century many provinces including Manitoba, Alberta and British Columbia made major changes to custody rights in an effort to eliminate the existing paternal biases in family law. In 1923 Ontario changed its *Infant Act* eliminating the section prohibiting 'adulterous' mothers from obtaining custody. This resulted in a more

formally equitable statute which repealed a "father's right to unilaterally determine custody of a child by deed or by will" (Boyd, 2003:43). Saskatchewan differed by providing the mother custody of her children until the age of 14 (in the absence of an order). Most provinces, including Prince Edward Island (PEI), Quebec and Nova Scotia adopted a fault system awarding custody to the successful petitioner of the divorce (Boyd, 2003:44). Judges considered only an 'innocent' wife with an unblemished history as being a "good" wife and mother worthy of receiving custody (Boyd: 2003:45). In PEI the custody of children was deemed to be the father's unless he was determined unfit (Boyd, 2003:45). Despite the changes to law, meant to equalize parental rights, judges throughout Canada became reluctant to deny fathers *prima facie* rights[7] (Boyd, 2003:45). Between the 1920's and 1960's preserving family stability was the responsibility of women and although the courts expected men to treat their wives with more respect than previously, men were still considered the patriarchs of the family and women were still expected to honour and obey (Boyd, 2003:47). Early changes to custody laws granting women custody, resulted in the divorce rate more than doubling between 1921 and 1936, with women being the instigating petitioners the majority of times[8] (Boyd, 2003:48). Women were the ones who most often were willing to give up material possessions such as their homes in exchange for custody of their children (Boyd, 2003:48). During these decades the courts adhered to the gender biased "tender years" or "maternal presumption" principles by which women were thought to be more nurturing and important in the upbringing of children, especially below the age of seven (Bala, 1999b:3.8). However, this presumption did not eliminate the court's stricter

[7] "(Latin) A legal presumption which means on the face of it or at first sight. Law-makers will often use this device to establish that if a certain set of facts are proven, then another fact is established prima facie". Duhaime's Online Legal Dictionary.
[8] Mothers retained custody of their children in 63% of divorces initiated by them (Boyd: 48).

"levels of scrutiny" as caregivers faced by mothers relative to fathers in contested cases (Boyd, 2003:49).

Before 1968, Quebec and Newfoundland had no divorce legislation and people had to seek a private Act of Parliament to end a marriage. Other provinces based their divorce legislation on the British *Matrimonial Causes Act of 1857*, which made it easier for husbands to obtain a divorce than wives (Douglas, 2001:2). In 1968 the first federal *Divorce Act* passed, removing some of the more obvious sexist clauses in the provincial statutes and giving leeway to irreconcilable differences as a ground for divorce. Federal parliament has ultimate jurisdiction over divorce law legislation, including custody and support, however, the Canadian constitution allocates jurisdiction over property and civil laws to the provinces. This has resulted in provincial family law statutes that regulate custody and access to differ greatly across provinces and territories (2001:3). Federal, provincial and territorial jurisdictions overlap significantly in family law, creating fuzzy parameters for areas of responsibility, rendering change difficult to achieve without the cooperation of each jurisdiction. In 1985 further amendments of the *Divorce Act* again lessened the power of provinces by broadening the available grounds for divorce to include breakdown based on separation for one year (Douglas, 2001:4). Even with these changes, judges and lawyers have "considerable autonomy" within the family court system (Bala, 1999a:12).

A second major revision to the *Divorce Act of* 1985 was enacted in 1997 with the Royal Assent of Bill C-4. Included were amendments to Section 15 that deals with spousal and child support. The Act incorporated new federal *Child Support Guidelines* that restricted the discretionary powers of provincial court judges in awarding arbitrary child support payments and generally increased support payment awards. Provincial governments had cooperated in the

reform process in an effort to lower their share of financial subsidies to lone parent families (mostly mothers), since they are responsible for the collection of non-support payments (Bala, 1999a:1). Boyd brought up the fact that mothers fighting for custody often end up on social assistance (2003:10) and in turn become an added burden on individual provinces. Since the early 90's these reforms had received the support of feminist lobbying on behalf of custodial mothers. Women's groups had spoken on behalf of mothers left with few financial resources post-divorce. They argued that support payments were too low and inadequate to provide for children; and also fought and won changes to the income tax act which reversed the taxation of support payments from the receiver (the custodial parent) to the payer (the non-custodial parent). (Bala, 1999a:4). Bala reported that Fathers' Rights groups, on the other hand, attacked the guidelines taking the position that the reforms were biased against men since child support was based on the payers' ability to pay (1999a:1) and gave little weight to the custodial parent's income.

In 1996 the Liberals had a majority in the House of Commons and were able to pass the child support reforms; however, the government was forced to negotiate with the Senate in order to get the Bill officially sanctioned (Bala, 1999a:9). It agreed to the Senate's demand that the broader issue of custody and access be examined. On October 28, 1997 Senator Ann Cools, an advocate of fathers' rights, introduced a motion in the Senate "to examine and analyze issues relating to parenting arrangements after separation and divorce" which led to the launching of the Special Joint Committee of the Senate and the House of Commons (Senate Debates, 1997:253).

The Fathers' Rights Movement had been actively lobbying for custody and access changes for several years and had their agenda presented to the House of Commons by Conservative MP's such as Peter McKay, and right wing advocates such as *REAL Women of*

Canada[9] by taking up their rhetoric (Boyd, 2006). The most contentious issues for non-custodial fathers were the rhetoric around their "Deadbeat Dad" image (the idea that many non-custodial fathers failed to pay child support and/or failed to maintain contact with their children); and their dissatisfaction with the judicial process, which they claimed treated them unfairly regarding custody and access (Bala, 1999a:6). Most emphatically, they claimed that while mothers were getting government action regarding support payments, fathers were not getting their custody and access demands heard (1999a:6).

Senator Cools had introduced Bill S-4, an Act to amend the Criminal Code (abuse of process) which dealt with false allegations by custodial mothers; and had advocated in support of non-custodial fathers, for further amendments to Bill C-41, an Act to Amend the Divorce Act. During her speech she spoke on behalf of non-custodial parents and their "numerous and extensive problems" regarding access to their children (Senate Debates, 1997:255). Senator Cools spoke to two issues of concern: first, parental alienation syndrome and second, to false allegations of sexual abuse, which she describes as "a weapon of choice in custodial disputes" (Senate Debates, 1997:256).

The Joint Committee was jointly led by Senator Landon Pearson, an advocate for children and Roger Gallaway, a Liberal backbencher. It was made up of six senators and 17 Members of Parliament, mostly Liberals. The committee held 55 public hearings across Canada from February to November1998; and met with government officials, academics, local organizations, and private individuals; altogether they heard over 500 witnesses and additionally considered hundreds of briefs (Bala, 1999a:9). Bala has argued that because family law is so convoluted there is little empirical research regarding how well the system serves the people, the

[9] An anti-feminist group started by wives of Canadian government politicians as an alternative to the pro-feminist group: The Canadian Women's National Action Committee.

Joint Committee found itself relying on "anecdotal evidence and informed speculation of professionals and academics". The most dramatic impact came from the testimony of individuals who recounted their troubling accounts dealing with family court (1999a:12).

The Committee demonstrated a particular focus on the concerns of fathers while discounting the concerns of women about domestic violence issues (Bala, 1999a:9). Although in its final recommendations the Committee shied away from the more drastic demands from the Fathers' Rights Groups such as criminal laws against custodial parents who make false allegations and who restrict access, it remained largely in favour of fathers (1999a:12). The Government's official response to the recommendations was vague and formulated to defuse the gender component of the paper and refocus on child issues (Bala, 1999a:24). The government did, however, acknowledge the frustration existing in the family court system regarding non-custodial access problems. Altogether the government commented on only 16 of the 48 recommendations, it committed to releasing a detailed plan of action within three years (Bala, 1999a:24). In 2002 Justice Minister Martin Cauchon introduced Bill C-22, "An Act to Amend the Divorce Act", which passed its second reading in the House of Commons in February, 2003. However, it was highly criticized by Fathers' Rights advocates for not including the legal presumption of shared parenting and for eliminating clause 16(10) dealing with "the friendly parent rule" (Fathers for Life, 2003). Women's groups also criticized it but for different reasons. They disapproved of its use of gender neutral language and for not addressing the issue of domestic violence against women and children (Cross, 2004). The government, on the other hand, took the position that Bill C-22 addressed some of the Joint Commissions recommendations by changing the language of "custody and access" and replacing it with the wording "parental responsibility and contact" to better reflect the concept of equal parenting (Douglas, 2003). Bill-C-22 seems to have been

set aside since the government changed hands from the Liberals to Conservatives in 2006 and as of the writing of this paper, the anticipated reforms to custody and access legislation are still forthcoming.

As well as financial support to families, of equal concern were the changes implemented to Section 16(9)[10] of the *Divorce Act* in 1997 which excluded "past conduct" as a factor in determining custody and access, unless it is deemed detrimental to parenting. The clause intends to prohibit evidence of past marital misconduct by a parent to be presented to the court in custody and access matters (Douglas, 2001:10). The assumption behind the new law was that one spouse's violence against the other did not signify the former was a bad parent (Douglas, 2001:6).

Traditionally custody was awarded to the primary caregiver, the mother, with visitation rights to the father. Until the past few years courts were reluctant to order joint custody in high conflict cases since they argued that this type of arrangement required frequent and amiable contact between the parties and was detrimental to the best interest of the child if unmanageable (Douglas, 2001:10). New provisions in custody and access guidelines such as the "friendly parent rule"[11] have facilitated a change in the position taken by judges from a primary caretaker presumption that awarded custody to one parent and reasonable access to the other, to one that supports maximum contact with both parents. According to Bala and Bailey, Canadian judges have recently ordered various forms of joint custody such as "parallel parenting" and "shared parenting" in high conflict cases (2005:3). As Boyd (2003) pointed out, although officially

[10] Divorce Act, Chapter 3, Past conduct – s.16(9)
(9) In making an order under this section, the court shall not take into consideration the past conduct of any person unless the conduct is relevant to the ability of that person to act as a parent of a child.
[11] Divorce Act, Chapter 3, Maximum contact – s.16(10)
(10) In making an order under this section, the court shall give effect to the principle that a child of the marriage should have as much contact with each spouse as is consistent with the best interests of the child and, for that purpose, shall take into consideration the willingness of the person for whom custody is sought to facilitate such contact.

Canada never did assume a legal presumption of joint custody, the concept has crept into the system until today the mere "capacity to cooperate" is sufficient for judges to award joint custody, even in cases of proven past violence against mothers (2003:130). This new twist in the interpretation of custody and access law has cleared the way for non-resident parents to seek physical joint custody of their children under any and all post-divorce circumstances.

Canadian statistics show an increase in joint custody awards from 14 percent in 1990 to 30 percent in 1998 (Boyd, 2003:130). However in 1995, fathers were awarded sole custody in only 7 percent of cases while mothers received sole custody in 86 percent (Statistics Canada, 1995). A report written for Statistics Canada pointed out that between 1980 and 2001 the percentage of female to male heads of households had remained stable at four to one; however, between 2001 and 2006, lone-father households reached 14.6 percent, exceeding the lone-mother growth of 6.3 percent by a pace of two to one (Milan, Vezina and Wells, 2006:1). The increase in lone-father households is inversely related to the decrease in sole custody being granted to mothers. In 2003 mothers were granted custody 47.7 percent of the time, down from 78.2 percent in 1980 (Milan, et al, 2006:1). In 1999 Bala argued that it was because they are awarded custody in such disproportionate amounts that has led to such strong reactions from Fathers' Rights advocates against the judicial system (Bala, 1999a:7). Also, since mothers are more likely (80 percent) to get sole custody by negotiation with ex-partners than by going to court (67 percent) fathers may be encouraged to fight for custody in front of a judge to gain the slight advantage (Bala, 1999a:7). The trend since the end of the 90's to granting joint custody and granting fathers a greater percentage of sole custody awards (although meager) may also act as a catalyst to motivate more fathers into custody litigation.

It became clear in the political arena that Fathers' Rights Groups and their advocates were dissatisfied with the gender ratio of sole custody awards through the judicial system. They are also challenging the unflattering label of "Deadbeat Dad" and have started a campaign to reverse this image reflecting the non-custodial father as innocent "victim" and loving father. The following section illustrates how the reframing of the non-custodial father has evolved.

The Fathers' Rights Movement

This section uses a social constructionist perspective to examine the Fathers' Right Movement and their redesigning of the public image of non-custodial fathers from absent "Deadbeat Dads" to "unjustifiably alienated loving fathers". I argue that non-custodial fathers were able to re-construct themselves as a collective identity and promote a new sense of self for their members. Collective representations can control the meaning making process and change societal constructs to reflect the interests, values and beliefs of the group (Loseke, 2003:133). Non-custodial fathers as members of the Fathers' Rights Movement are the main claimsmakers taking ownership of parental alienation and false allegations as social problems. The following provides a brief account of how non-custodial fathers banded together, reframed their image as caregivers, and staked their claims.

Before the 1980's the notion of a 'clean break' following divorce/separation predominated and was advantageous for men, since they were unencumbered by daily parental responsibilities. A 'clean break' refers to the phenomenon whereby men often severed ties with their children after divorce/separation and moved on with their lives. Once remarried they most often did not pay child support for children of their first marriages and had little or no contact with them (Smart and Neale, 1999:137). Even though women retained custody of their children they were

disadvantaged by these arrangements since they were often denied financial support and shouldered most of the childcare responsibilities (Boyd, 1989:127). Since the 1990's and the push for joint custody, joint parenthood and/or equal access, the ties between separated parents are rarely severed. Individuals may move on to rebuild their lives, have new loves and other children but divorced parents are perpetually connected to each other through the binds forced upon them by the courts in regards to parenting (Smart and Neale, 1999:138); the 'clean break' practice may no longer be the norm; however, the social imagery of the "deadbeat dad" remains.

The Fathers' Rights Movement refers to a loose consortium of groups of men engaged in the issues of divorce, custody and access and other interests pertaining to fatherhood that originated in the West and spread internationally. An internet search using the term *fathers' rights movement* produced well over a million hits. According to Williams and Williams (1995) the Fathers' Rights Movement developed as a countermovement to the changes in gender relations in Western society resulting from the activities of second wave feminists in the 1960's: most notably, the changes in divorce laws that created a maternal bias in custody laws by the 1960's (1995:192), as described previously in this paper. Early second wave feminists had adopted the civil rights movement's rhetorical framing of "color-blindness" to reflect their own goals for women's equality. The feminist movement's first manifesto declared a "sex-blindness" frame that pushed an "androgynous" ideal of shared domestic responsibilities. As a second wave feminist, Carol Smart recalls women in the UK in the 1970's demanding that fathers have "closer emotional involvement, greater commitment, shared care and shared responsibility" (2006:ix). The Fathers' Rights Movement redirected the feminists' early quests towards their own fatherhood goals of attaining changes in the divorce act for equal custody of children (Williams and Williams, 1995:197).

Although there are differences in the individual groups' philosophies, the Fathers' Rights Movement base their claims on two major grounds. First, they state that men are victims of systematic discrimination in family law and the courts. They maintain that although women argue for equality in the private sphere, the courts are still biased in favour of mothers when awarding custody of children, while fathers are burdened with child support payments. They hold that awarding sole custody of children to mothers at divorce/separation is a violation of men's equal rights to parent (Williams and Williams, 1995:199). They argue that joint custody supports the notion of gender-neutrality regarding nurturing and anything less is discriminatory towards men.

Second, they claim that joint custody is in the best interest of children. They contend that the courts have not kept pace with the reality of the two working parent family and that women no longer are stay-at-home moms and fathers are as involved as mothers in care-giving. They argue that children need their fathers as much as they do their mothers and it is an injustice to deprive them of fatherly nurturing after divorce. The use of equal rights language is a "power[ful] tool in their political arsenal" (Williams and Williams, 1995:206).

In Canada as early as 1988, The National Action Committee on the Status of Women and the National Association of Women and the Law had identified a core group of 80 influential men's rights activists working "aggressively" to change Canadian divorce policies regarding custody and access, abortion, and paternity leave (Rauhala, 1988:11). At that time they belonged to the fast evolving men's rights groups such as "Montreal Men Against Sexism", the Toronto group, "In Search of Justice", and the "Canadian Council for Family Rights" (Rauhala, 1988:11). Some of the effort of early advocates for fathers' rights was spent planting the seeds for reforms

to access enforcement and presumptive joint custody clauses, which are now addressed with the newest *Divorce Act*, Section16 (8) and (10) (Bala and Bailey, 2005:16).

Two contradictory constructions of Ontario Fathers' Rights Groups appear in academic literature. The first I will discuss is the research of Bertoia and Drakich (1993). Their work examined the contradictions between the Fathers' Rights Movement public rhetoric on family law issues and the personal experiences and motivation of its members (1993:593). The authors contended that Fathers' Rights public discourse highlights discrimination in the court's maternal custody preference, maternal control of children, and maternal financial privilege. However, they argued that non-custodial fathers were motivated by self-serving interests and not by the goal of equal opportunity in obtaining sole custody, nor for having equal responsibility for children (1993:598).

Bertoia and Drakich conducted an eighteen-month study of four Ontario Fathers' Rights Groups, attended group meetings and interviewed twenty-eight individual members regarding their reasons for joining the groups and their perspectives on fatherhood issues (1993:593). The non-custodial fathers in their study expressed they did not want an equal share of day-to-day care of their children; their perception of equality was to continue the same relationship they had with their children pre-divorce. The researchers concluded their main objective to seeking joint custody was to maintain power and control as fathers over their children and their support payments (1993:613).

The second Ontario study was done by Robert Kennedy, a York University sociologist. Kennedy focused his research on the collective identity of the Fathers' Right Movement through a case study of *Fathers for Justice.* Kennedy gathered his data during 1993 using group participation observations, personal interviews and perusal of documents of the seven chapters of

the group registered in Ontario. Their membership lists ranged from 56 to 10 paid members with core activists numbering from six to two per chapter (2004).

Kennedy advanced that the Fathers' Rights Movement cannot be lumped into the same category as the Men's Rights Movement since their agendas are vastly different and *Fathers for Justice* belonged to the former category. They concentrated their efforts primarily on post-divorce/separation issues including, access, support, custody, fatherhood and children; and showed little interest in the broader gender issues of employment equity, abortion, and sexual harassment, usually associated with men's rights agendas (2004:137). Kennedy argued that during the 1980's the Fathers' Right Movement was portrayed in the public press and by academic literature as promoting fathers' interests first and children second (2005:4). The work of feminists such as Smart and Sevenhuijen (1989), Crean (1988) and Rauhala (1988), portrayed the Fathers' Rights Movement as a "backlash, not only intending to erode women's gains in the family law, but as a way of re-asserting the authority of men in the family" (2004:4). Kennedy argued that much of this rhetoric left the impression that non-custodial fathers were "deadbeat dads" reneging on their child support payments (2005:5). He described *Fathers for Justice* as an organization made up of smallish self-help groups focused on lobbying government for changes related to family law issues such as access, support and custody, and to providing legal and parenting information to its members (2004:11).

Kennedy's research gives us a glimpse of the techniques used by a social movement to reconstruct their image, mobilize their members and advance their claims. *Fathers for Life* promoted "the best interest of the child" as their first priority (Kennedy, 2004:12). By publicly refocusing their interest on children they were able to derail accusations of self-interest, and foster empathy for the image of non-custodial fathers as the "victims" and as "unjustifiably

alienated loving fathers" of an unfair and biased legal system. To this end, the organization was active in public relations works such as public relations campaigns in malls, organizing family events, providing parenting courses, arranging special guest speakers, and so on (2005:56). Changes in custody and access law remained one of the major themes behind much of their political activity, and by framing children as their priority, they could rally their members together and justify their political agenda (2005:82). The leadership of *Fathers for Justice* promoted a vague imagery of a loving non-custodial father who is denied access through no fault of his own. They appealed to their audience's sense of fairness and equity. In perusing their literature and web sites there is no information regarding male domestic violence. They offered their members a version of the truth that absolved them of past wrongs and presented the public a new image of the modern caregiver father.

Kennedy determined that the rank and file members of *Fathers for Justice,* the majority of whom were non-custodial fathers, prioritized access issues above custody of children issues. During the interview process members described their concerns with access as the major reason they had joined the group in the first place (2004:138). Interestingly, he found that non-custodial fathers emphasized the legalities of access problems, whereas, their new partners and the few non-custodial mothers who were members, emphasized the interpersonal consequences of access denial and rarely mentioned the legal system (2004:83).

Kennedy reported that the members interviewed commented that access should not be linked to the ability of non-custodial parents to pay child support, especially if fathers were unemployed (2004:87). Many reported they were lobbying government for fines or prison terms for custodial parents who interfered with non-custodial access (2004:87). Kennedy consistently found that members defined "denial of access" as "child abuse" and brought up parental

alienation syndrome as one of their concerns expressing it as "akin to child abuse…causing emotional suffering to both children and non-custodial parents" (2004:88). This reframing of access by non-custodial fathers reflects the rhetoric of Richard Gardner and his theory of parental alienation syndrome and is addressed in the following section.

Loseke argues that it is impossible, and in fact not necessary, to determine the reasons individual claimsmakers advance a claim as a social problem. The matter of "truth" does not play a part of the "social problems game". The important factor is the extent to which audiences evaluate the claims as believable and important (2003:35).

Chapter 4

The Rhetoric

Richard Gardner, MD

As stated in Chapter 2, Herbert Blumer argued that situations had to be created and defined before they could be identified as social problems. Those seeking to define something as a social problem also needed some luck for all the pieces to surface at an opportune time and place. In the case of the Fathers' Rights claims, one personality emerged during their struggle that made a substantial contribution to advancing their change of image and their custody and access goals.

Richard Gardner (1931-2003) was an American clinical psychiatrist certified by the American Board of Psychiatry and Neurology, and a psychoanalyst certified by the American Academy of Psychoanalysis. He graduated from Columbia College and the Downstate Medical Center of the State University of New York. Gardner began his career in forensic psychology during his military service in the Army Medical Corps as the director of child psychiatry at an Army hospital in Germany from 1960 to 1962 (Lavietes, 2003). Upon his discharge he set up a private practice in New Jersey in the area of child psychiatry (Gardner, 1992a:xxvii). From 1963 until his death he had an unpaid clinical appointment on Columbia University's voluntary faculty as clinical professor of psychiatry in the division of child psychiatry.

In the 1970's he wrote a successful book for children about divorce; devised a therapeutic technique, *Mutual Story-Telling*, for psychiatrists working with children; and introduced the first therapeutic board game for use in psychotherapy with children (Lavietes, 2003). He published more than 40 books and more than 250 articles in a variety of areas of child psychiatry (Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos, Editors, 2008:viii). Most of his

work was self-published by his own company: Creative Therapeutics, New Jersey. In 1987 he introduced an instrument to help differentiate between true and false sexual abuse allegations, the *Sex-Abuse Legitimacy Scale* (SAL Scale) which he revised significantly in 1992 after it was heavily criticized by the mental health community (Gardner, 1992a:xxxiv). Gardner suffered from a chronic and painful neurological medical syndrome, reflex sympathetic dystrophy, for which he took prescribed painkillers; and just as his mentor Sigmund Freud, committed suicide (Lavietes, 2003).

Gardner built his career as an expert witness by testifying in court on behalf of over 400 non-custodial fathers fighting for custody (Lavietes, 2003; Bruch, 2001). Of the prolific amount of work Gardner generated in his long career, he is most renowned for his radical positions regarding incest, often referring to what he described as Western culture's "sex abuse obsession"; his insistence that children often lie about sexual abuse; and his controversial theory of parental alienation syndrome. All of these notions helped the Fathers' Rights Movement construct custodial mothers as vindictive, collusive, and suffering from some form of "custody court" specific medical syndrome.

Richard Gardner based his theory of parental alienation syndrome on Freud's notion of children's complex attachment to their parents (Gardner, 1992a:131); and Freud's theory of children's "polymorphous perversity" (1992a:14). Freud's theories regarding children focused on their personality development being intertwined with an elaborate sexual progression that was dependent on their relationship with each parent depending on the child's gender. Although he did not relate it to divorce, psychoanalysts have since used his ideas as a launching pad for analyzing the affects of divorce on the relationship between children and parents. Briefly, Freud theorized that children must successfully maneuver through several stages of sexual development

in order to become well-adjusted adults. He stated that these stages were directly related to parenting styles that could either advance sexual maturation of children or, at their worst, arrest their sexual development causing them irreparable psychological problems as adults. Freud lectured that the majority of people unconsciously hated their parents and wished to "get rid of them". These feelings were assumed to start in infancy as children maneuvered precariously through four stages of sexual development and were forced, through fear of castration, to reject their sexual attraction to a parent (Freud, 1916:208). Freud described children as being "polymorphously perverse", since they exhibit no shame in their lust; put no importance between males and females; showed no disgust with excreta; and are "amoral and possess no internal inhibitions against their impulses striving for pleasure" (Freud, 1916:209, 256). These are the assumptions Gardner revamped and morphed into his theories of parental alienation syndrome and false allegations of sexual abuse against non-custodial fathers.

Parental Alienation Syndrome

Gardner was far from the first in the medical field to write about parental alienation. The notion can be traced back to Greek mythology. In one story Uranus, the King of the Mountains, was castrated by his son Cronus at the request of Ge, Mother Earth, the wife/mother of that triangle. There is a myriad of stories dating back through the centuries illustrating the antagonism of revengeful parents who used their children to avenge estranged spouses (Jeter, 1994:536).

The subject surfaces in academic literature in 1976 with the work of Wallerstein and Kelly who initiated the first longitudinal research on children of divorced parents (Garber, 2007; Johnston, 2003; and 1993; Stoltz & Ney, 2002). Their work was the first to study cases of children who were reluctant to visit their non-custodial fathers. Wallerstein continued this

longitudinal study throughout the next 25 years with colleagues Julia Lewis and Sandra Bakeslee. After reassessing the now adult children of her early case studies of high-conflict divorce, they concluded that, as children, the participants had been subjected to a pathological alignment with an angry custodial parent against their non-resident parent (Wallerstein, Judith, Julia Lewis and Sandra Bakeslee, 2000).

Wallerstein & Blakeslee describe divorce as a continuum that starts long before the actual legal stage is underway and continues for years afterwards. They claim that this process involves couples disengaging much earlier in an unhappy marriage; they go through the legal proceedings, the custody and access period, remarriages, and often second divorces (1989:297). During this span of time, these researchers found that children were much more affected by the process than the adults, and that the effects of divorce on children persisted into adulthood. Often the effects peaked during adolescence manifested by serious anxieties that later compromised their partner relationships (1989:300). Other researchers concur that children are negatively affected by unresolved parental relationships that follow them into adulthood (Warshak, 2001b; Baker, 2006; Booth and Amato, 2001).

Gardner introduced the term "parental alienation syndrome" in 1985 as a result of what he considered "a dramatic increase in a disorder rarely seen previously" in his clinical practice (2003:5):

> The parental alienation syndrome (PAS) is a childhood disorder that arises almost exclusively in the context of child-custody disputes. Its primary manifestation is the child's campaign of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent's indoctrinations and the child's own contributions to the vilification of the target parent (Gardner, 2002a:95).

He did, however, add a qualification: namely, "when true parental abuse and/or neglect is present, the child's animosity may be justified and so the parental alienation syndrome explanation for the child's hostility is not applicable" (2002a:95).

Gardner purported that he identified the presence of parental alienation syndrome in 90 percent of children whose families were involved in custody litigation (Gardner, 1989:225), and in nine out of ten cases, the mother was the instigator (1989:227). He stated that the syndrome, which he advanced as a "folie a deux" (folly of two) was a psychiatric disorder which required both an instigating parent and a receptive child. It manifests as a "cluster" of primary indicators that can be used as guidelines to identify it. It begins with a campaign of denigration instigated by the custodial parent against the non-custodial parent. Children denigrate the non-custodial parent completely (Gardner, 1992b). The children express a profuse hatred for that parent, especially in their home in earshot of their custodial parent. The children use weak, frivolous, or absurd rationalizations for their deprecation and the alienating parent supports their statements (Gardner, 1992b). There is a lack of ambivalence regarding the child's love for their custodial mother, who can do no wrong; and hatred towards their non-custodial father, who can do no good. Gardner argued this dichotomization of the parents is not present in non- affected children who exhibit both positive and negative feelings toward both parents (1989:490). "Even events that the children once enjoyed are now remembered as being forced, not enjoyed, or never even remembered" (Vassiliou, 1998: Chapter 1:3).

The "independent thinker phenomenon" refers to children articulating their alienation as originating with them. The alienating parent reinforces the children's refusal to visit by siding with the children and allowing them to control the access. These children reflexively support the alienating parent in all matters with unconditional love and unquestioned loyalty. This automatic

love response can be the result of perceiving that parent as weak and in need of support and defending (Vassiliou, 1998: Chapter 1:4). These children do not express feelings of guilt over cruelty to and/or exploitation of the alienated parent. They exhibit a lack of gratitude for any gifts, favours, or special attention they may receive from them (Gardner, 1992b). There is "a presence of borrowed scenarios": the children use coached and rehearsed language and expressions beyond their years to put down the hated parent. Finally, there is a generalization of the children's animosity that includes the friends and/or extended family of the hated parent (Gardner, 1999:98). Based on the criteria listed above, Gardner constructed a system for differentiating the severity of parental alienation syndrome manifested in the children and in the alienators. His guidelines proposed three levels: mild, moderate and severe symptoms, as well as recommendations for psychotherapeutic approaches and for legal sanctions for each level (2003:8-10).

He proposed that in its mildest form, parental alienation syndrome can be dealt with by educating the alienator regarding the negative effects of their behaviour on their children and their relationship with their non-custodial parent. There is usually no need for legal sanctions, except for a warning to the alienating parent; and neither is there a need for therapeutic intervention for the children as long as they are encouraged to resume a loving relationship with both their parents (2003:10).

Moderate symptoms of parental alienation syndrome include the alienating parent exhibiting rage against the other parent, or preventing access. In these cases, the children still enjoy the company of their non-custodial father when away from their custodial parent and their campaign of denigration is not yet entrenched. Gardner proposed custody remain with the mother but with legal sanctions such as posting a bond, fines, community service, probation,

house arrest and incarceration; and suggested the court appoint a therapist experienced with parental alienation syndrome to work with the family (2003:10). If these sanctions were not effective in re-establishing a loving relationship between the children and their non-custodial parent, he recommended transfer of custody to the alienated parent with limited supervised access of the alienating parent (2003:10).

Finally, in cases of severe parental alienation Gardner expected that only extreme measures would be effective in reversing the damage done to the children; therefore he strongly recommended immediate transfer of custody and a remedial transitional-site program for the children facilitated by a parental alienation syndrome therapist (2003:10). These included cases where the alienating parent demonstrates paranoid thoughts of the ex-partner, is obsessed with preventing visitation, and continually denigrates the non-custodial parent with the goal of alienating the children from him (2003:10). The children, for their part, share their custodial parent's hostility towards their non-custodial parent and refuse all visits with them. If forced to visit, they often run away, become paralyzed with fear, or become destructive (Vassiliou, 1998:5).

Gardner recommended that therapeutic intervention should be based on the level of symptoms in the children, not the alienator, whereas legal intervention should be based on the alienator's symptoms, not on the children's (2003:9). His recommendations, however, exceeded his credentials as psychiatrist and delved into the domain of the judicial. He emphatically endorsed imprisonment as a deterrent for alienating parents especially in the cases of false allegations (Gardner, 1992a:519).

False Allegations of Sexual Abuse

Gardner wrote that false allegations of sexual abuse is a tactic which most likely follows a series of unsuccessful alienating maneuvers by custodial mothers trying to permanently remove their children's fathers from their lives (Gardner, 2002:106) and is "a common spin-off of PAS" (Gardner, 2003:186). He argued that it is the most effective vengeful tactic a women can perpetrate against a hated ex-partner; and although he noted that it is sometimes used by men, who accuse their ex-wives' new partners, these cases are rare and most of the accusers are women (2002:106). Gardner believed that if the sexual abuse accusations surfaced after the presence of parental alienation had been determined, the accusations were most likely false (2002:106). In addition, he did not believe children were necessarily truthful about such matters and, on the contrary, he believed that although they were victims of parental alienation syndrome, they were most capable of embellishing and fabricating sex abuse allegations (2002:106).

Some of the comments Gardner made created much controversy. His statements were often inflammatory and offensive to female professionals as he suggested that women who had personal histories of sexual abuse should not evaluate children who disclose sexual abuse since they were more likely to accept the child's statements as true without proper evaluation (Gardner, 1989:23).

In 1989 he vowed to withdraw from custody litigation because of fear of being shot by a disgruntled litigant (1989:25). At the time, Gardner believed that the adversarial nature of the litigation process promoted murderous rage in individuals and was worried that one day this rage would be cast in his direction (1989:25). However, by 1992 Gardner had reversed his decision and returned to the court arena, in his words, "to be of some help to the unfortunate victims of false sex-abuse accusations" (1992:685). Gardner believed that thousands of innocent men were

imprisoned because of the increasing number of people who believe children never lie when it comes to sex abuse (1992:685).

In support of his contention that mothers often regress to false accusations of sexual abuse of their children against ex-partners, Gardner proposed a long list of personality characteristics that operate as indicators of falsely accusing mothers. This list included a childhood history of sexual abuse, poor impulse control and traits of independence, assertiveness, outgoingness and argumentativeness.[12]

Throughout his liturgy of possible indicators of mothers who falsify accusations, Gardner did not make a distinction between those who knowingly fabricated allegations and those who genuinely believed the abuse happened but were wrong. He saw them sharing many of the same negative traits and a tendency to be "passive-dependent types" who are "easily swept up with the trends that are in vogue at the time and are easily led" (Gardner, 1992:227). He seems to have covered every possible scenario making his theory unfalsifiable. For example, since he believes children lie about sexual abuse, repeat what their mothers tells them happened until they themselves believe it, Gardner argued this results in false memory syndrome (Gardner, 1992b:). Therefore, the father is always proven to be innocent and even as adults, those abused as children are not to be believed.

One therapist who had similar beliefs as Gardner regarding child sexual abuse was Arthur Green (1986). Both Gardner and Green strongly affirmed that in ambiguous cases the truth could be detected by subjecting the children to interviews with their alleged abusers. Among other discriminating characteristics they contended that abused children will react fearfully of their abuser/father and therefore it could be concluded whether the allegations were false through the child's reactions (Green, 1986:452; Gardner, 1992:378). Both psychiatrists have been

[12] Please refer to Appendix 1 "Gardner's Indicators of Falsely Accusing Mothers".

fiercely criticized by their colleagues for their simplistic and unfounded theories (Humphries, 2005:147; Corwin et al, 1987; Penfold, 1997). Literature regarding child sexual abuse overwhelmingly confirms the tendency for children to deny the abuse and to disassociate from it in an effort to distance themselves from the pain. Contrary to Gardner and Green's theories, these children often recant their allegations and display affection for their abusers (Corwin, Berliner, Goodman, Goodwin and White, 1987:98).

The notion that true or false allegations can be measured through a list of criteria has been welcomed in domestic litigation by judges who are put in the unenviable position of determining the validity of the accusations (Neustein and Lesher, 2005:148). Amy Neustein and Michael Lesher wrote that "compared to such daunting responsibility, it is fatally easy to blame the accuser" (2005:149). Judges must make difficult decisions without much "real help" resulting in the role of mental health opinion to "proliferate" in child custody litigation (2005:144).

Richard Gardner as Mentor

Gardner's early writings on parental alienation syndrome from the mid-eighties to the mid-nineties is overwhelming one-sided and defensive, using an exaggerated writing style meant to attract and shock the audience. This style has been copied by many of Gardner's followers and is still dominant in recent articles with authors using inflammatory expressions to emphasize their messages such as "a campaign of denigration", "brainwashing", "vicious attacks", "repulsed parent" and the like (Sauber, 2006: 18,25,26 consecutively). Richard Gardner's work is riddled with objectionable expressions and commentaries such as the following:

> Many women, I am certain, would love to murder the husbands who abandoned them. But they refrain from doing so from the awareness of the social consequences. Now, the legal process and the sex-abuse industry enable them to accomplish just this goal without suffering any repercussions at all. In

> fact, in certain quarters she would be considered a heroine. Murdering someone generally only takes a few seconds or a few minutes and might not be as gratifying to the murderer as someone who brings about the slow death of one's victim. Inducing PAS in children, alienating them from their father – one of the two most important people in their lives – can bring about a slow death to a loving father. When the false sex-abuse accusation is added, he may die in prison. If most had a choice between the quick death and the slow death for their hated victims, they would probably choose the slow death. In a sense, then, inducing PAS in a man's children is better than murdering him. It provides more power than murder with no consequences (at least to the indoctrinator) (Gardner, 2006b:36).

Many of Gardner's disciples who are prone to emulate his tendency for the dramatic have adopted his style of writing. A recent published manual dedicated to his memory, The International Handbook of Parental Alienation Syndrome, houses thirty-four articles in favour of Gardner's theories and is divided into three sections: concepts, clinical considerations and legal issues. Of these, three written by Gardner are theoretical, and published posthumously; three are based on case studies; two analyze existing data; twenty-six are theoretical/opinion pieces; and only one is based on an original 1991 study of separated families. All but three heavily reference Gardner, relying on his work with a blind, unquestioning loyalty; and most cross-reference each other's work with five prominent names resurfacing throughout: Leona Kopetski, Deirdre Rand, Randy Rand, Richard Sauber, and Richard Warshak.

Another of Gardner's supporters is Dr. Glenn F. Cartwright, a psychologist and professor in the department of educational and Counseling Psychology at McGill University. Cartwright edits a website from McGill called *PAIN – Parental Alienation Information Network*. This site promotes the work of Richard Gardner and parental alienation syndrome by providing lists of articles, lawyers, psychologists/psychiatrists, and other useful links related to parental alienation syndrome. Professor Cartwright, a founding member of the Parental Alienation Syndrome Research Foundation in Washington, DC (Cartwright, 2008a), presented a brief to the Canadian

Special Joint Committee on Child Custody and Access in 1998. Drawing on Gardner's statistics, he told members that parental alienation syndrome affected 90 percent of all children in custody disputes (Cartwright, 2008b:1), and recommended harsher sanctions against alienating parents such as fines, a change in custody, and incarceration. (2008b:2).

Cartwright's work as does most of Gardner's followers, reflects a recurrent theme in the parental alienation syndrome literature that tends to be repetitive and which adds little to new knowledge about the phenomena. These writers generally start by paraphrasing or quoting Gardner verbatim. For example, Richard B. Austin, Jr. introduced his article by defending the legitimacy of the syndrome by referring to the work of psychologist Judith Wallerstein and her well-accepted 20 year follow-up study with children of separated families. Her findings indicated that children are negatively affected by parental separation; however, she did not write about "alienation". Interestingly, her work is often cited by both the proponents of parental alienation syndrome and by those who challenge it (Wallerstein, Lewis and Bakeslee, 2000). Austin illustrated his points using two "classic parental alienation syndrome cases". The first is that of a five-year-old boy, referred to as BJ, who is saved from a life of alienation from his mother through severe intervention by the courts. Another is that of Joe, a 35-year-old male who realizes after 23 years that he was pressured by his mother at the age of twelve to reject his father and has now resumed a positive relationship with him (Austin, 2006). In his introduction, Austin emphasized the acceptance of parental alienation syndrome by the psychological community by referring to the Professional Academy of Custody Evaluators (PACE)'s publication, *The Custody Newsletter*, issue 9 which is solely devoted to parental alienation syndrome. After perusing this publication I found that the editors had approached the notion of parental alienation syndrome with a healthy degree of skepticism warning readers that some professionals "are marketing

themselves as 'specialists' in the parent alienation syndrome". Austin glazes over these editorial comments and wittingly misguides his audience in believing PACE full-heartedly accepts the notion of parental alienation syndrome (Austin, Jr., 2006:57).

Parental alienation syndrome has surfaced in the international legal arena with mixed success. In Israel, the syndrome is reported as having been acknowledged by judges but is not, as yet, a force in custody cases nor had it been accepted by the medical community (Gottlieb, 2006:91). In Germany, translations of Gardner's work are beginning to appear in academic literature. The syndrome had been addressed in relevant custodial articles in the German Civil Code; some judges were beginning to request psychological assessments addressing the impact of the syndrome on specific custody and access cases; and in a survey two thirds of the social workers recognized Gardner's name and his syndrome (Leitner and Künneth, 2006:111).

As in Canada, the Fathers Rights Groups in Australia have been successful in lobbying for changes to the Family Law Act of 1975 (Berns, 2006:122). By 1996 the Act reflected gender neutral language whereby terms such as "custody", "access", and "guardianship" now read, "residence", "contact", and parental responsibility" (2006:122). Although these reforms were expected to lessen court custody battles, the results have been disappointing (2006:123). Berns pointed out the Australian Family Court is invested with broad discretionary powers; and their "sole statutory presumption is that the child's interests are best served by joint parental responsibility" (2006:123). In practice, however, the courts are reluctant to disrup a child's living arrangements upon divorce and rarely, although they have occasionally, admitted evidence of parental alienation syndrome in difficult custody cases (2006:124). Berns reasoned that although there are no legal barriers to accepting parental alienation syndrome as valid by the courts, the high contentiousness of the syndrome, in both the legal and psychiatric realms,

accounts for courts shying away from its use until the controversy is resolved (2006:124). And as the case in Canada, in the Australian Court, the testimony of expert witnesses is under scrutiny because of past indiscretions whereby expert witnesses, testifying at the request of one side, did not remain neutral, but acted as "hired guns" advocating for the party that paid them (2006:127). These two factors help explain the difficulty of the syndrome being accepted as valid by family court judges in Australia (2006:129).

In the United Kingdom it has been met with healthy skepticism and opposition. A report prepared by Sturge and Glaser in 2000, commissioned by the court of appeal to determine two domestic violence cases is now accepted as *the* expert paper on the issue of post divorce family contacts and the British government has accepted the report in its entirety including its recommendations for changes to the children's act. The authors purposely left any reference to parental alienation syndrome out of their report; therefore, the syndrome has not made an impact on the British courts (Hobbs, 2006b:440).

Recently, however, in a Canadian case, Justice J. Turnbull of the Ontario Family Supreme Court in L.(J.K.) v. S.(N.C.), on April 22, 2008, accepted the recommendations of expert witness, Dr. Richard Warshak, an American child psychiatrist, and ordered the custody reversal of a twelve year old boy in favour of the mother and further that the child have no contact with his father for the next four months. The judge ruled the custodial father was alienating the boy against his mother and there was a serious possibility that he would grow up hating all women and have difficulties with personal relationships if he stayed with his father. Justice Turnbull approved the child attending a special de-programming institute in California run by Deirdre and Randy Rand, both strong advocates of Gardner's theories. It is not surprising that the names of Warshak and that of the Rands have made their way into the

Canadian family court system although it should be a concern. As mentioned earlier, Warshak was a loyal friend to Gardner throughout his career and still promotes his work. Deirdre and Randy Rand have built their career as advocates of Gardner's theories and now run the "de-programming" facility, *The Family Workshop for Alienated Children* in Mill Valley, California "specializing in complex forms of emotional abuse such as parental alienation syndrome and Munchausen Syndrome by Proxy" (which will be addressed later in the paper) (Rand, 1997b:82).

Constructing the "Collusive Mother"

As mentioned in the theory section, Peter Conrad argued that the medicalization of social problems do not materialize from the confines of the medical profession alone, but "organized efforts [are] made to champion a medical definition of a problem or to promote the veracity of a medical diagnosis" (Conrad, 2007:9). The Fathers' Rights Movement's promotion of the use of court specific "women's syndromes" such as parental alienation syndrome in family court illustrates this phenomenon (Menzies, 2007:85).

Catherine Humphreys, a British feminist contends that outside the custody and access arena mothers are considered heroic for fiercely protecting their children against abuse and would be severely chastised for not doing so. This protectionist position, however, is frowned upon in the context of custody and divorce as mothers are "construed as vindictive and misguided" (Humphreys, 1997:529). Humphreys outlines the historical component fueling today's image of mothers of sexually abused children as "the collusive mother". In the 1940's and 50's social science literature rarely discussed incest and ignored mothers of abused children. During the 1960's and 70's the profusion of family therapists redefined sexual abuse of children by focusing on "dysfunctional family interaction[s]" (1997:531) which pushed mothers into the limelight of

responsibility and condemned them for not protecting their children from incest; throughout, the role of offenders was thus minimized (1997:531). During the 1980's and 90's a group of male medical specialists, including, Richard Gardner (1989, 1991) and Arthur Green (1986) promoted methods of differentiating between true and false cases of allegations of sexual abuse of children in child custody cases. Their writings were either based on very small selected samples (Green analyzed eleven cases) or were opinion pieces as is Gardner's work; others like Kaplan and Kaplan (1981) analyzed only one case (quoted in Humphreys, 1997:532). However, these few and meager studies were used by others to justify a profusion of social science literature in support of the reframing of the "collusive mother" to the "falsely accusing mother" (Bernet, 2006; Lorandos, 2006; Rand, 1997). The practice of successive authors quoting each other's previous papers and leaving out any details of criticisms or of questioning their findings promotes a proliferation of material based on inferior research. Humphreys notes that the expeditious rate at which the notion of "falsely accusing mother" was accepted to be true, with no empirical evidence, is a reflection of societal attitudes and a "receptive" popular press willingly promoting the notion (Humphreys, 1997:533). She stated that the few empirical studies that have been done suggest that the majority of allegations in the context of custody litigation are "neither misconstrued nor fictitious" (1997:538); however, this message is not being accepted by the legal or social services workers resulting in "a backlash against mothers and children who disclose sexual abuse" (1997:541).

Once a claim is well established, introducing new forms of the same theme can help expand it. Alternative versions of the claim make it appear more interesting and heighten its importance in people's minds (Best, 2008:48). As time went on, Gardner's theories entered into "the taken for granted stock of knowledge about the syndrome and created a foundation on which

subsequent work [was] constructed" (Adams, 2007:331). Adams pointed out that any gendered assumptions built into the original version would make their way into the new "spin-offs" (2007:331). The following are a few of the other "syndromes" which have been created, each constructs mothers as the culprits and fathers as the victims.

Ira Turkat, a family psychologist, extended Gardner's theory of parental alienation syndrome to include mothers who are not successful in brainwashing their children against their fathers but who engage in negative maneuvers in order to sabotage the father/child relationship. In defence of innocent fathers, whom he perceived as victims of vicious behaviors by their ex-partners, he proposed a new syndrome, "Divorce Related Malicious Mother Syndrome". Turkat stated his syndrome was prevalent since the explosion of divorces in Western societies. This label comes with a list of four major criteria: (1) A mother that unjustifiably punishes her ex-husband by attempting to alienate him from his children; involves others in malicious acts against him; and/or engages in excessive litigation. (2) She denies her children phone access to their father; interferes with visitations and to his access to the children's extra-curricular activities and school records. (3) The pattern is pervasive and includes lying to the children and to others and violations of law. (4) This disorder can occur concurrently with another disorder or alone. In his writings about this new syndrome, Turkat gives some examples, albeit trivial, of what he considers malicious acts by mothers who have this syndrome: (1) a mother buys a cat for her child and knows the father has an allergy to them; (2) a mother and children sleep in a car "to prove" she is poor and blames the "deadbeat" father; (3) when a father called to speak to his children his ex-wife put him on hold and did not tell the children. Turkat admits there is no empirical evidence to support his new theory but hopes that by labeling this new phenomenon others will be compelled to continue with the research (Turkat, 1995:255).

Another similar phenomenon, "SAID" – Sexual Allegations in Divorce, proposed and labeled by Blush and Ross (1987), refers to children who lie about sexual abuse by their fathers during divorce proceedings (Blush and Ross, 1978:1). This type of "angry" child uses sex allegations in retaliation against fathers who discipline them, require them to do chores, or as revenge for their remarriage (1987:1). The profile of a SAID child is a controlling female under the age of eight, who "exhibits patterns of verbal exaggerations, excessive willingness to indict, inappropriate affective responses, and inconsistencies relating to the incident(s)" (1987:9). Blush and Ross lay the blame for this phenomenon on the social and health organizations' literature targeted to child workers as misleading many to believe that children never lie when it comes to sexual abuse (1987:3). They insist that children are not immune to fabricating stories and their credibility should be questioned especially regarding sexual abuse during divorce scenarios (1987:4). These family court evaluators admitted that their new syndrome was quite rare but insist that they were seeing more cases which fit the criteria for SAID because of the "emerging national hysteria regarding the problem of sexual abuse of children" (1987:10).

Wallerstein and Bakeslee (1989) wrote about the "medea syndrome" and explained how they coined it after the Greek mythological goddess of the same name who allegedly killed her children as revenge against her husband for abandoning her for a younger woman. According to the myth the goddess' goal is to destroy her lover, not to kill her children; they however, become her weapon in the crime (1989:195). The modern Medea does not want to kill her children but does indeed want to revenge against an ex-partner and does not hesitate to use the children as her weapon. These parents harbour prolonged intense negative feelings and their anger can have devastating results for the ex-partner/child relationship through years of litigation (1989:196). Jacobs (1988) has a similar take on the myth. After analyzing a single case study using

Euripides' play he concluded that many conflicting divorcing families exhibit a Medea script. According to Jacobs this particular case was one rift with severe pathology between a "masochistic, narcissistically wounded woman" and a "narcissistic, devaluing man" whom the woman had thought of as hero and was deeply in love with, although her husband admitted to not feeling love for her in return. The rejected wife took the position that her ex-husband would suffer for her humiliating pain by cutting him off from his five children in order for him to suffer from guilt because of the pain he knew the children would endure because of his absence (Jacobs, 1988:316).

Munchausen Syndrome by proxy (MSP) has been described as a severe form of child abuse whereby mothers inflict physical or psychological illness onto their children in order to obtain some personal attention and gratification from medical experts (Rand, 1993:1). Rand expanded this label to "contemporary-type MSP" to explain situations whereby a mother frames her child as a "victim" instead of a "patient". In custody and access cases the child is said to have been sexually or physically abused by the father. The common scenario is an accusing mother who welcomes her child being interrogated by experts and seeks out those who will substantiate the abuse. She is less interested in her child's recovery and more interested in proving the allegations. Rand went on to state that winning custody is not the major goal here, just as with regular MSP, the goal is an excessive and unhealthy control of the child and personal attention from those in authority. As with other syndromes Rand offers a specific list of fifteen criteria to help determine the presence of contemporary-type MSP. The list includes items such as a symbiotic, enmeshed relationship between the mother and child and the presence of parental alienation syndrome.

In 2005, Joanna Klass and Joel Klass introduced the Threatened Mother Syndrome (TMS), a variant concept of parental alienation syndrome. They proposed that mothers going through divorce sometimes revert to a "primitive aggressive response" to perceived threats to the bond with their children (Klass and Klass, 2005:189). Klass and Klass base their theory on the evolutionary notion that mothers in the wild ferociously protect their offspring from any perceived threat regardless of the intent of the intruder. This instinct manifests in women during high conflict custody and access litigation as uncontrollable "rage, screaming, manipulativeness, intolerance, subterfuge, irritability, and even aggressiveness" (2005:189). This is out of character for women who normally are not prone to these negative reactions and abates as their perception of the threat diminishes. What differentiates TMS from Gardner's syndrome is the goal of protecting the child and not, as in parental alienation syndrome, to alienate the father. Nonetheless, the courts respond in the same detrimental way to these mothers.

In contrast to the "vindictive and collusive" portrait of mothers just described, the following sociologists paint the picture of mothers as "victims". Neustein and Lesher argued that the family court system in the United States is biased against "protective parents" (mostly mothers). Protective mothers often lose custody of their children after accusing their ex-partners of sexually abusing their children (2005:xiv). They described the "aftershocks" mothers endure after dealing with such an inadequate legal system and refer to "protective mother syndrome" as a common reaction. This "syndrome" manifests in mothers "who have faced a serious backlash" from workers in the litigation system including, judges, lawyers, expert witnesses, and so on (2005:xiv). Mothers may be on the run with their children or not, but many describe a feeling of being "hunted" by the courts; and experience a loss of support from family and friends. Mothers who have experienced years of custody litigation are prone to a feeling of being overwhelmed

and constantly controlled by the court system and their ex-partners (2005:185). The authors refer to this as "hunted syndrome" (2005:183). A second type of reaction by litigating mothers was coined "lost limb syndrome". Mothers reported feeling such a loss in their lives after losing custody to ex-partners after they have tried to protect them from sexual abuse, they reported personal loss to the level of losing a limb and of never feeling "whole" again. They mourned the loss of their children for years and never got over it as their children grew and they were forever locked out of their lives (205:186). They also wrote of mothers who suffer what they termed "masochistic mother syndrome". Mothers often collaborate in anyway they can, with judges and family assessment experts until they no longer can endure the pressure, at which point they kill themselves and sometimes their children in a last effort to protect them from what they perceive as a fate worst then death (2005:188).

The medical labeling of the behaviour of mothers in high conflict divorce cases works in favour of Fathers' Rights advocates in their quest to reframe the public image of the "nurturing mother" to one of "vindictive, collusive or crazy mother". This opens the door to redefining non-custodial fathers from "deadbeat dads" to "victims" of past biases of family courts. It is interesting to note that nowhere in the literature on Fathers' Rights have I come across any syndrome labels dedicated to fathers. As much as non-custodial fathers express being affected by syndromes, mothers carry the labels. This can be analyzed as a strategic maneuver, since, according to Loseke, labels can have "unintended consequences" (2003:87) and Western audiences respond more favourably to images of "victims" as opposed to "villains" (2003:85). Fathers' Right advocates are careful not to place any blame on themselves or on the children that advance accusations against them; instead, the blame is directed to the "brainwashing" custodial mothers.

Framing the PAS Image

Parental alienation syndrome and false allegations have become the catchall terms that foster thoughts of loving fathers being unjustly denied access to their children. This promotes dichotomous thinking of the bad vindictive mothers versus the innocent fathers who pay child support but are denied access. The acronym "PAS" acts as the "brand name" encompassing the image of the terms. Best made the point that naming a social problem, without actually defining it in detail, allows the audience to think they know more about the condition than they really do because they can relate it to a situation they are familiar with (2008:32). This principal is especially applicable in the case of PAS since stereotypes regarding fathers and mothers experiencing high conflict custody and access situations are so prevalent (Brown, 2003:367).

Gardner insisted that the word "syndrome" was an appropriate label suitable to explain his medical diagnosis. He stated that although many medical and legal professionals use the terms "parental alienation" and "parental alienation syndrome" interchangeably, this was an error (2002:112). He described the term "parental alienation" as a more general concept that could refer to many different causes of child/parent alienations, including, physical or sexual abuse, psychological, emotional or verbal abuse, neglect, or poor communication and parenting skills. Children can also alienate because of anger over a divorce, ongoing parental acrimony, witnessing violence between their parents, and other factors such as parental narcissism, alcoholism, or antisocial behaviour (Gardner, 2002:94). Gardner went on to state that any of these could act as "the foundation" for parental alienation syndrome, however, in and of themselves, were not enough to merit the designation of "syndrome" (2002:94). According to Gardner's theory, parental alienation syndrome requires the added factors of an alienating parent

who programmes children and the complicity of the children (2002:95). Gardner added that parental alienation syndrome, then, is a sub-type of parental alienation that must be correctly diagnosed if proper therapeutic and legal remedies are to be sought and implemented (2002:95). He insisted that the syndrome was only present when applied to situations whereby the alienated parent was completely innocent of any contribution to the alienation (2002:95). In a literature review of parent/child relationships few academics and psychologists, however, make a distinction between the terms "parental alienation" and "parental alienation syndrome". The slippage in the use of "PAS" as the catchall term representing any-and-all disruptions to parent/child relationships has helped the Fathers' Rights Movement goal of changing the public's perception of them from "deadbeat dads" to that of "non-custodial fathers as victims".

The social understanding of the term "deadbeat dads" was coined as a gender-specific label in reference to non-custodial fathers who failed to pay child support (Duhaim's Legal Law Dictionary). It quickly expanded to include those fathers who were perceived as not caring about their children, those who did not visit, and/or did not take responsibility for them or any interest in their day-to-day well-being. The Fathers' Rights Movement is slowly turning this label on its head arguing that *each and every* non-custodial father has their own reasons for doing what they do and the label is generally unfair and unjustified. This re-evaluation of the label would help attract new members to the cause by providing fathers who have lived with this label with an acceptable explanation that allow them to perceive themselves as "victimized". Questioning the use of the term elicits doubt in its validity, allows the targeted person some avenue of "innocence", and opens the door to criticizing the person who is passing judgment.

"Child abuse" is also an ambiguous term with a continuously expanding definition as new understandings of the concept of "the child" evolves. Internationally, child protection services

agree that child abuse includes physical, sexual, emotional and neglect abuse (Brown, 2003:368). A new term, "multitype abuse" has been coined to account for the multiple abuses to children in up to one third of the family-oriented abuse cases (most of which occur in high conflict divorces) (Carson, 2002, as quoted in Brown, 2003:368). Domestic abuse workers have expanded "child abuse" to include children who experience domestic violence abuse even though they may not be the target of the violence (Brown, 2003:368). Now, Fathers Rights Groups typically refer to non-custodial fathers being denied access as "child abuse". It is also often used in the literature on parental alienation syndrome when referring to "vindictive" custodial mothers' interference with court ordered visitation. The overuse of the term results in the watering down of the meaning of "child abuse" and may lessen the impact it has when applied to actual abuse cases.

In the early literature of parental alienation syndrome and false allegations, the rhetoric revolved around the heartbroken fathers and the public's sense of equity regarding the fact these men were obliged by law to pay child support but were prevented from seeing their children because of interference by their ex-wives. In the US where parental alienation syndrome originated, child support payments are determined by custodial time with children; therefore if a father has joint custody he will pay less child support making it financially worthwhile to advance custodial claims in court (Heim, Grieco, di Paola and Allen, 2002:22). According to Bala et al (2007), Canadian courts are reluctant to equate child support with visitation rights and rarely punish custodial parents for interference of access to non-custodial parents, although they may threaten to do so to promote compliance (2007:26). The resentment felt by non-custodial fathers denied access but still required to pay child support bolsters an environment favourable for championing Gardner's theories.

Best wrote that claimsmakers often piggyback on other claims to advance their own. A reciprocal relationship exists between the newsmaker workers and the social activists - the former seek innovative news clips, while the latter seek publicity for their cause. According to Loseke one effective way of promoting a claim is through mass media (2003:40). The following two examples highlight the impact of packaging a claim for the public using the "piggyback" technique of social problem construction.

In December 2006, the organization called Missing Children's Network Canada, affiliated with Child Find Canada, was able to piggyback on a sensationalized story being covered by major Canadian news agencies. At the time, news workers concentrated their focus on a family drama unfolding around the famous Quebec double gold Olympian medallist, Myriam Bédard. Bédard had attracted the notice of newsmakers as far back as 1987 when they portrayed her as an upcoming "personable" biathlon World Medal hopeful (Globe and Mail, 1987). Newsmakers followed her athletic career through the nineties, reporting on her pregnancy in 1996; her connection with the highly politicized "sponsorship scandal" in Quebec in 2004[13]; her sudden departure out of Canada with her daughter in 2004, during a custody dispute; and altogether ran over three hundred stories about her in a span of over 20 years (Globe and Mail).

Newsmakers constructed their latest story as one of a troubled mother fleeing to the United States with her twelve-year-old daughter after making allegations of child sexual abuse against the father. The story broke with law enforcers arresting Bédard and she spending Christmas in an American jail. Newsmakers succeeded in keeping the story alive for several weeks as we followed the events unfolded. To "freshen" the story's novelty (Best:2008:134) Globe and Mail ran several news bites featuring Pina Arcamone, director general, of Missing

[13] The Globe and Mail reported that Bédard was instrumental in Prime Minister Paul Martin's decision of firing the director of Via Rail, Paul Pelletier, during the height of the RCMP investigation of Via Rail's sponsorship irregularities (Globe and Mail, March 2, 2004, Pp. A18).

Children's Network Canada. She was referred to in the press as "an expert" in child abductions. Arcamone made the link between the Bédard case and "all child abductions of custody and access cases" and asserted that parental alienation syndrome was a factor in all these types of cases. Actually, Judge Jean-Claud Beaulieu of the Quebec Supreme Court never brought up the notion of parental alienation during Bédard's trial. By capitalizing on the notoriety of the Bédard case and implicating Gardner's syndrome to gain publicity for her organization's cause, Arcomone helped to expand the visibility of parental alienation syndrome.

Media have covered the well-publicized US child custody case between actor Kim Bassinger and former partner actor Alex Baldwin closely since their divorce in 2002. Five years after their divorce the parental custody contest is still raging in the public domain as each side vies for approval. In 2007 television personalities Barbara Walters and Rosie O'Donnell focused the public's attention on the parties' mutual accusations of parental alienation fuelling the flames of contention (Risling, 2007). Balwin has been reported as a champion of parental alienation syndrome and continues a campaign to influence public opinion of its credibility.

The Parental Alienation Awareness Organization (PAAO) promotes the awareness of parental alienation and parental alienation syndrome by the use of tactics such as launching the first International Parental Alienation Day in 2006. April 25th has now been officially proclaimed as such by several states (Iowa and Maine) and in 2008, this designation was also recognized in Ontario (PAAO). Further parental alienation syndrome advocates are planning the first Canadian Symposium for PAS, September 5, 6 and 7, 2008 in Toronto. This conference is being billed as the largest gathering of professionals involved with parental alienation syndrome from all areas of expertise, including the legal, medical and governmental arenas with an expected attendance of 1,500 interested parties (Canadian Symposium for Parental Alienation

Syndrome, web site). Also, the Canadian Children's Rights Council has declared that by the end of May, 2008 it will have the most comprehensive website in the world on parental alienation.

Cases of parental alienation syndrome have become a common topic in popular culture and abound in both the US and Canadian press, increasing its visibility and acting as a confirmation of its claim by the Fathers' Rights Movement as a social problem. One milieu that has proved to be very effective is autobiographies. For example, the following two have surfaced recently and have received a lot of public attention.

The first, written by Vancouver television news anchor, Pamela Richardson in 2006, *A Kidnapped Mind*, depicts the story of her son's suicide at the age of twenty years after being a victim of parental alienation instigated by his father, lawyer Peter Hart. This is the story of twelve years of lawyer fees, court costs, family assessments, child psychiatrists, and private remedial programs costing $20,000 a year. It depicts Richardson's personal struggle with her son's alienation from her as a parent after a bitter divorce (Richardson, 2006).

The second is a book written by the American religious minister, Ronald E. Smith and his adult son, Ariel Smith in 2007. *Cheated* describes the personal experiences Smith and his two sons endured for years as victims of parental alienation syndrome who were "cheated" out of strong, loving father/son relationships. Ronald E. Smith is the founder and CEO of the non-profit organization "Children Need Both Parents, Inc. operating out of Illinois and Michigan States. Their mission is to advocate for positive relationships between children and both their biological parents. They offer diverse services to families, including, a food bank, supervision of visitations, and counselling (Children Need Both Parents, Inc. website).

Perusal of the World Wide Web attests to Fathers' Rights Groups internationally promoting parental alienation syndrome. A Google search of the two terms, "Fathers' Rights

Groups" and "Parental Alienation Syndrome" together elicits 361,000 hits. According to Robert Menzies the Web is a masculine-based domain and a "veritable industry of resources for the defence of men" (2007:65). He argues that the Internet has developed into a powerful form of cultural and organizational communication and men use the Internet to vent their anger against women, exchange ideas and promote their version of "rights" (2007:66). The sites listed on the first ten pages of the above Google search confirmed the ease of finding information about parental alienation syndrome and how it can be used in family court.

The notion of parental alienation syndrome provided a good opportunity for Fathers' Rights Groups internationally. The Blackshirts of Melbourne, Australia is such a group. Described as a right-wing neo-Nazi militia group, the Blackshirts only wear black clothing, cover their faces with black scarves while in public and are known to harass, stalk, and picket the former partners of their members and other single female parents (Berns, 2006:126). Perusal of their website confirms Berns' point about their extremism: "…adultery is much more damaging to children's lives than pedophilia itself. Adultery not only corrupts a child but the entire family as well" (Blackshirts, 2008:adultery). An internet search of "Canadian Fathers' Rights Groups" produced a listing of groups with a penchant towards right-wing fundamentalist perspectives. In Canada, for example, the website *CanLaw* promotes misogynist messages on their homepage, including the following idiom "*Never send a girl to do a man's job*" and "False memory, false sexual abuse claims, vengeance, are all diseases of women. '*Women get what they want by revising what they had.' If it isn't true, they make it up and convince themselves it is true and men end up in jail or executed as a result.*"(CanLaw, 2008 – original italics). The Ontario *Ex-fathers* website's Statement of Objectives states "Fathers experience misandry in the Family Courts… (Ex-fathers.org, 2008). Another Canadian example is from the website *Family of Men*

Support Society which has a webpage entitled "Women behaving badly" listing close to two hundred documents pertaining to the "misdeeds" of women including, for examples, 'Another Father down'; 'Double standards for women child abusers'; 'Four girls threaten man with knife and steal car'; etc. (Familyofmen.com, 2008). The notoriety of parental alienation syndrome recently has grown exponentially through new groups showing up on popular websites such as Facebook (Fathers for Justice and Equal Rights); and MySpace (Parental Alienation Support Group); and Blogspot (Dedicated Fathers).

The penchant for extremism regarding parental alienation syndrome is not one-sided. The website NAFCJ – *National Alliance for Family Court Justice* is a blog promoting the downfall of parental alienation syndrome and denouncing it as a "type of misogyny and perversion [in] our legal system". A most gruesome website entitled *Cincinnati PARENTAL ALIENATION SYNDROME.com* highlights the contents of Gardner's official Medical Examiner Autopsy Report from the County of Bergen, Department of Public Safety, dated May 27, 2003. The authors refers to Gardner as a "twistedly (sic) pathetic man" and to their site as "The Absolute Best Source On The Suicidal, Pro-Pedophillic, Maniacle parental alienation syndrome Author – Dr. Richard Gardner!"

Expert Witnesses

Gardner understood the importance of attaching the label of "syndrome" to his theories of parental alienation.[14] He argued that the "cluster" of symptoms manifested by parental alienation syndrome answers the requirements of the American Psychological Associations'

[14] To be granted the designation of "syndrome" by the American Psychiatric Association (APA) a diagnosis must satisfy certain criteria according to their definition, "**syndrome-** A grouping of signs and symptoms, based on their frequent co-occurrence, which may suggest a common underlying pathogenesis, course, familial pattern, or treatment selection" (APA, 2006).

criteria for the designation of syndrome. Gardner was tenacious in his quest to convince the judicial system, medical profession and the public that his theories on parental alienation were "true". He undertook an aggressive campaign to have the editors of the next edition of the DSM include "parental alienation syndrome" listed as a diagnosed mental disorder[15]. To this end he gathered and submitted lists of legal cases involving parental alienation for the benefit of the DSM committee. Until his death, his website was self-promoting and devoted to the cause of pushing his theories forward. Today, at the request of Gardner's family, both his web addresses: www.rgardner.com and www.creativetherapeutics.com have been rerouted to that of Dr. Richard A. Warshak, a clinical, consulting, and research psychologist in private practice in Dallas, Texas. Warshak promotes himself as one of the "world's leading authorities on pathological alienation in children" and continues to promote Gardner's work (www.warshak.com).

Kelly and Johnson argue that for parental alienation syndrome to be considered a "syndrome" it needs to be more than just a grouping of signs and symptoms but must also adhere to the other criteria of the definition required by the American Psychological Association. That is, it needs to be replicable and backed by empirical research, and such research has not been undertaken (2001:250). Their major criticism of Gardner's syndrome was his insistence that the causal agent of parental alienation syndrome was the brainwashing custodial parent and his diminishing and/or ignoring of the role of other agents in the children's alienation, especially the contribution of the non-custodial parent (2004:626). Kelly and Johnson promoted a more holistic account to explain children's rejection of a parent and their research supported a multidimensional explanation including both of the parents along with the children (2004:626).

[15] The next edition of the DSM is scheduled for 2010.

The "psy" disciplines are implicated in the power dynamics of custody law on judges' decisions regarding access (Donzelot, 1979). "Historically, courts have treated science as an objective and dispassionate source of knowledge, but not a source of error" (Williams, 2001:275). Scientific experts were not questioned as to how they knew what they said was "true"; the courts accepted their knowledge unquestionably and they were considered to be unbiased and neutral. They were called to testify as "friends" of the court; in contrast, today "professional expert witnesses" are called by lawyers in defense of their clients and although not consciously biased they often present evidence in favour of whichever side is paying them to testify. Courts often take for granted and rarely question essential criteria vital in assessing the validity and reliability of scientific claims, including peer reviews, replicability, degree of error, and whether the theory has been well accepted in the discipline. In Canada, forensic psychiatrists need no specific professional qualifications such as from a Royal College of Physicians and Surgeons of Canada to offer an expert opinion in court. They are expected to hold a medical license and higher education in psychiatry but obtain their expertise through experience and special courses and are assessed on a case-by-case basis by the court (Bloom and Schneider, 2006:36).

Lawyers and judges are not trained in the understanding of the scientific method and accept expert evidence as fact. In 2000 the Supreme Court of Canada commented on the important role of trial judges to act as "gatekeepers" in restricting "novel scientific evidence" such as parental alienation syndrome and PA from being used indiscriminately by lawyers in custody cases (Williams, 2001:276). Justice R. James Williams, from the Supreme Court of Nova Scotia, challenged the value of parental alienation syndrome in assisting the trier of fact[16].

[16] A member of a court who has the duty to decide questions of fact. In criminal trials on indictment, and in civil trials with a jury, the jury is the trier of fact. However, in summary trials the magistrates (or district judge) decide all

He questioned the necessity of expert testimony regarding parental alienation syndrome and whether it, indeed, necessarily added information to aid the court in making an informed decision about a parent's behaviour. It could also result in adding confusion to the issue by the use of scientific jargon which "may unduly impress, confuse or distract" from the case (2001:278). Justice Williams also stated that since the study of parental alienation syndrome is a relatively new field and causation had not been researched, except by Gardner, the existence of parental alienation syndrome is in question and lawyers should avoid using it to gain an advantage in custody cases. He went on to state that parental alienation syndrome is still a controversial scientific term with no common meaning in psychiatric/psychological or social work fields and that all negative or inappropriate behaviours by divorcing parents need not be labeled a "pathology"(2001:278). Still, in cases of high conflict divorce the courts most often rely on the recommendations of "expert witnesses" in their custody and access determinations (Bala, 1999b:3-39).

Part of the process by which parental alienation syndrome and false allegations came to be recognized as a wide-spread social problem is the publication of academic studies. These become "evidence" of the existence of the concepts and widen their boundary domains.

Some PAS "Empirical" Studies

The studies presented represent a sample of academic literature that attempts to validate the concepts of parental alienation syndrome and false allegations. The studies are based on very small numbers of cases and none equates to a comprehensive study that could be generalizable to larger populations enmeshed in high conflict divorce. The writers unequivocally adhere to

---

issues of law ...(From *Oxford Dictionary of Law* in Law.) Retrieve on line January 1, 2008 at http://www.oxfordreference.com.proxy.queensu.ca/

Gardner's beliefs and never question the bias against women in his writings. What follows is a collection of creative studies meant to expand Gardner's work in innovative ways infiltrating various avenues he had yet to exploit. They do not follow the "scientific method" which is the accepted technique of phenomena investigation adopted by the psychological/psychiatric disciplines. The scientific method insists that studies be based on random samples, be replicable and falsifiable to be accepted by the scientific community. The process of interpreting study results is expected to be objective and all data are expected to be archived and available to other researchers to allow them the opportunity to verify results by attempting to reproduce the work. Importantly, in order for study results to be inferred to a particular community of people, the sample must be representative. Only one of these studies includes children as subjects; rather, subjects are adults who self-identify as having been "alienated" as parents or when they were children. The subjects' demographics are flimsy and data are not provided for verification and replicability resulting in severe criticism by academics. Nonetheless, their lack of stringent adherence to the accepted investigative methods of their disciplines does not distract from their popularity and their use by lawyers and medical experts in divorce courts.

I have included the following study as representative of the caliber of work reflective of many I have perused that champion Gardner's theories. As mentioned earlier in the paper, Dr. Glenn F. Cartwright, is a psychologist and professor in the Department of Educational and Counseling Psychology at McGill University and in this capacity is an expert in his field.

Vassiliou and Cartwright (2001) conducted telephone interviews with five fathers and one mother (all of whom were non-custodial parents) and concluded that heightened conflict levels are a significant contributor to parental alienation syndrome (2001:184). The authors do not give any information regarding the demographics nor the recruitment of their subjects.

These parents all reported that they had been alienated from their children after divorce (2001:187). Each of them perceived their children as being party to the alienation through no fault of their own but through the pressure from the other parent (2001:187); they all reported feeling powerless as parents stating that post divorce their children now controlled their relationships, that is, they determined when and how the visits would proceed (2001: 187). These parents also reported a strong dissatisfaction with the legal and mental health services they had received; and attributed their ex-partner's hatred, anger and need for revenge as the sole factors to the alienation (2001:188). In these cases, interim custody was awarded to the mother with regular visitation awarded to the fathers; in the final custody orders, however, the fathers had lost from fifty percent to all of their visitation time (2001:189). The one mother interviewed had received interim custody, but the father got final custody and she reported being alienated from her children afterwards. The study found that non-custodial parental skills deteriorated post-divorce which probably contributed to the parental alienation syndrome (2001:189). The participants declared that had they known they would be afflicted with their present parental situation they would have refrained from marrying; used different legal tactics; and/or sought psychological help earlier in the process (2001:189). The authors refer to their subjects and to non-custodial parents in general as "lost parents" and "victims" of parental alienation syndrome (2001:190).

In a previous paper, Cartwright (1993) wrote that because parental alienation syndrome has only recently been "identified and described, it must be redefined and refined" as more information accumulates (205). He coined the term "virtual allegation" which he described as a case whereby the alienator simply suggests that abuse is an issue in order "to cast aspersions on the lost parent's character". The other parent is not actually accused of any specific incidents of

alleged abuse; therefore, the alienator is unlikely to get caught fabricating stories. Cartwright suggested that as lawyers and judges get more skilled at evaluating cases of real allegations "virtual allegations" will increase since they are subtle and hard to disprove (1993:208). Vassiliou and Cartwright report their subjects perceived their relationship with their children as being "sabotaged through subtle denigrating techniques" by their ex-partners (2001:185) but give no concrete examples. The authors offer little information to link these types of comments to "virtual allegations"; however, they present it as a logical part of the formulation in the alienation of their subjects (2001:182).

The Vassiliou and Cartwright study references the work of Raymond Calabrese, John Miller, and Buddy Dooley (1987). These US school psychologists undertook a study of 49 students and their parents from two selected grade four classrooms in a Midwestern urban school. Their work is an example of research in the psychological community using the scientific method that is comprehensive and well documented. These authors use the term "alienation" as defined by sociologist, Dwight G. Dean (1961): "a parent's sense of isolation, powerlessness, rejection of society's norms, and loss of hope" (1987:145). Their study is not about parental alienation syndrome nor is it about the realm of custody and access, and they do not refer to Gardner's work. Their study uses the concept of social alienation to help explain the high levels of personal feelings of alienation experienced by young girls with few friends whose parents are single, unemployed females (1987:147). There is no discussion by the researchers about the daughters being alienated from their fathers by their mothers. The researchers emphasized that these students experienced the same sense of isolation their mothers did. These mothers were most likely to encourage their daughters to attend school and the mothers expressed hope that their daughters would succeed better in life than they had (1987:149). The

Vassiliou and Cartwright piece is about something quite different. These researchers are attempting to link individual characteristics of family members to parental alienation syndrome.

My second example of problematical research styles is a recent study by New York psychologist Amy Baker. Her goal is to advance the knowledge of "the long-term effects of parental alienation on the child victims" (2005:290).

In 2005, Amy Baker conducted a study of adults who self-identified as having been alienated from one of their parents during childhood. Thirty-eight adults (14 males and 24 females) were recruited by word of mouth and from over one hundred advertisements placed on the internet message boards for people who had been victims of parental alienation syndrome. Through one hour semi-structured telephone interviews, Baker learned about the participants' perceived relationship with their estranged parent. Interviews were transcribed verbatim and analyzed using a content analysis program coding for "impact of the alienation on the participant" (Baker, 2005:292). All but seven of the alleged alienators were mothers. The findings showed that the alienation perceived by the participants negatively affected several areas of their adult lives and relationships. The participants reported high rates of low self-esteem/self-hatred, believing themselves unlovable because of the alienation from one parent, which they interpreted as rejection (2005:294). This self-hatred accounted for the guilt they felt because of the role they played in the alienation (2005:294). Over 70 percent revealed episodes of depression that they attributed to the separation from their alienated parent, and the lack of opportunity to mourn this loss while children (2005:296). Thirty-three percent of the participants had drug or alcohol addictions that they associated with their childhood circumstances. Some of these participants confessed to having a conflicted relationship with their alienating parent during their teen years because of their mental manipulation; they had turned to drugs and alcohol as an

escape (2005:297-298). Sixteen people talked of their difficulties trusting others as well as themselves and of falling into the same divorcing and/or alienating pattern as their parents (2005:294). Sixty-six percent of the participants were divorced and of the twenty-eight who were parents, half were alienated from their own children (2005:300). All the participants believed they had been victims of parental alienation syndrome.

Baker qualifies her study by stating it represents only a fraction of the data collected and that many of the 38 subjects reported having positive life experiences not included in her results. She only reported negative outcomes, presenting the subjects as unhappy, maladjusted individuals, and did not address possible confounding variables that could account for her results such as poverty and lack of opportunities. Instead, she presents the results as a package combining all the participants' responses together under different headings such as "low self-esteem", depression, and drug/alcohol problems, referring to the number of participants in the various categories as "some" or "many". Baker based her study on the premise that parental alienation syndrome was a conclusive element in her subjects' lives and drew on Gardner's theory to analyze their retrospective stories. She does not volunteer the list of questions asked during the interviews and little information is provided regarding the content analysis of the transcripts. She does not offer any scale of reference to help the reader judge the extent of the impact on the subjects. The reader is expected to accept the author's conclusions as "true".

Best refers to the term "diffusion" to explain the spread of innovations from one group to another. The following study is an example of how the vocabulary of one psychologist changed over the years to include Gardner's terms. Kopetski's work spans several decades from the early 70's to the early 90's. Until the mid 80's she referred to her cases as "disturbed families", afterwards, she called them parental alienation cases and referred to parents as "alienators".

Along with the change of vocabulary, a shift is detected in her articulation regarding children who resist visits with their non-custodial parents.

In 2000, Deidre Rand and Randy Rand published a study in collaboration with Leona Kopetski, a custody evaluator from Colorado, using data she had accumulated between 1976 and 1990. The study selected 84 cases identified as parental alienation syndrome (49 alienating mothers; 31 alienating fathers; 4 other relatives) which comprised twenty percent of the 413 divorced families in her data (Kopetski, Rand and Rand, 2006:66). Kopetski documented an increase in "disturbed family" cases as the years went by, from sixteen percent in 1976 to fifty percent in 1990, with acceleration after 1986. This corresponds to the first publications by Gardner on parental alienation syndrome and the era of divorce law changes. Two notable findings were uncovered: first, approximately twenty percent of Kopetski's caseload was deemed parental alienation syndrome cases. This percentage is consistent with findings from other researchers (Nicholas, 1997 quoted in Kopetski, Rand and Rand, 2006; Berns, 2006:126). The second point of interest is the implication that women were the alienators by two to one; and as the numbers of cases increased over the decades this proportion remained constant (Kopetski, Rand and Rand, 2006:68).

The contents of the above studies and those that follow, that is: the themes, arguments, subject demographics, lack of precision in scientific methodology, and an unwavering loyalty to Gardner's theories, are actually of secondary importance to the goals of the claimsmakers (Fathers' Rights Movement, medical experts, lawyers and the like). Their value lies in the proliferation of material that can be taken at face value and is easily accessible to anyone interested. The goal is to promote the use of the concepts quickly and broadly. As mentioned earlier, Humphries argued that successive authors quoting each other's previous papers without

critical analysis of their findings promotes inferior research and the expeditious rate at which notions are accepted to be true.

Sexual-Abuse Ambiguities

Joel Best wrote that it was only in the early 1970's that sexual abuse was constructed as a social problem and became ingrained in the definition of child abuse (1990:71). The term "child sexual abuse" emphasized the seriousness of the offence and it did not allow a differentiation between more serious incidents and relatively minor offences. Common references to incest and child molestation were conjoined and by the end of the 1970's the term had expanded and incorporated other areas of sexual exploitation of children such as pornography and child prostitution (1990:72). Best argued that there was little agreement about the definition of sexual abuse and the boundary of what constitutes "sexual abuse" continued to expand after a decade of discussion and remains cloudy (1990:84). The early successes in the validation of the core images of child abuse promoted a campaign of expansion claims into peripheral areas with fewer consensuses such as spanking, circumcision and smoking when pregnant (Best, 1990:76).

As child sexual abuse allegations became more common in child custody disputes organized opposition to sexual abuse prosecutions began to emerge that questioned the validity of convictions (1990:83). Susan Boyd, quoting Nicholas Bala (1980), argued that a backlash arose against the public consciousness about women abuse and the sexual abuse of children, and by the 1980's it was actually more difficult for mothers to raise such concerns during custody disputes (2003:125). As the rhetoric of the importance of fatherhood gained validity it became "politically incorrect" for judges to deny or restrict fathers' access to their children unless there

was undeniable proof of abuse (2003:125). However, perusal of the literature on the prevalence of false sex-abuse allegations reveals few studies to collaborate Gardner's strong beliefs about what he refers to as an "overreaction" to society's "sex-abuse hysteria" (Gardner, 1992:685). Nonetheless, there remains a general ambiguity over the number of false allegations of sexual abuse during custody disputes.

There has been an escalation of studies published since the 1980's addressing the numbers of sexual allegations in the context of custody cases; however, none defines "child sexual abuse" therefore giving credence to Gardner's position regarding the phenomenon. Those researchers intent on proving the magnitude of the problem present their studies by linking child sexual abuse with other "social problems" such as domestic violence.

The first example is an Australian study done by Thea Brown (2003) which analyzed the data from two large Australian studies done of 250 litigating families where allegations of child sexual abuse existed. She found, in fact, mothers had made over twice the number of allegations against fathers. However, fathers were found to be the most commonly substantiated perpetrator of abuse. The incidents of false allegations were few (9 percent) and advanced not only by mothers but by fathers and other family members as well. In cases whereby mothers advanced the allegations against fathers most were found to be true. In particular, in the 40 percent of families where domestic violence had occurred before separation, the allegations were even more likely to be true. Some fathers reported feelings of anger and frustration over ambiguous results which left them suspect.

In a second example, a Vancouver study done by Hlady and Gunter (1990) compared the medical findings of children suspected of being sexual abused during custody litigation with children not involved with litigation. Three hundred and seventy cases of child abuse were

attended to by Child Protection Services at the British Columbia Children's Hospital in 1988. These were divided into two groups: 219 children who were not involved with custody/access disputes of which 33 tested positive for sex abuse (15 percent); and a custody/access group of 34 cases – of which six (17.6 percent) proved positive. These findings do not support the notion that mothers are more likely to advance false allegations of abuse against their ex-partners during custody and access. Actually, the numbers showed that more allegations were advanced by mothers in intact families. An additional finding was that children from families with histories of personal abuse, neglect or family violence were at higher risk (Hlady and Gunter, 1990:593).

In the following study the researchers attempted to redefine the meaning of the term "false" in the expression "false sexual allegations" and offered a variety of explanations to why the incidents of sexual abuse are higher post-divorce.

Finally, in 1995 Katherine Faller and Ellen de Voe, studied 215 divorce cases with sexual abuse allegations to determine the extent of parental alienation and the pervasiveness of false allegations. These were clinical cases drawn from a university-based clinic in the Midwest. The mean age of the children was 6.1 years with 64 males and 110 females. Contrary to Gardner' contentions, these authors found "*purposely made"* false allegations by a parent had occurred in only 10 cases (4.7 percent). The parents were found to have "*unknowingly misinterpreted the information"* in 34 of the 45 cases where false allegation was suspected. Further, in 27 (12.6 percent) cases the allegations did not involve the ex-partner, but someone unrelated to the divorce.

In direct contrast to Gardner's focus on vindictive mothers making false allegations, Faller and de Voe contend that most sex abuse allegations that come to the surface during and after divorce are valid. They maintain that with divorce comes a loss of structure inherent with

married life. That is, the non-custodial parent, for the first time, may have unsupervised time with the child and rules might be lax regarding sleeping arrangements. Also, divorce causes severe emotional devastation which can manifest as anger towards the ex-partner. Some parents use the child as an object of revenge as "need satisfaction and a vehicle for retaliation against the divorcing spouse, leading to sexual abuse" (Faller and de Voe, 1995:14). Corwin, Berliner, Goodman, Goodwin and White (1987) theorized that children may report abuse only after divorce because it is only after living separately from the abuser that the child has the opportunity to speak without fear of retaliation since the abuser's control over secrecy is lessened. The child is more likely to be believed because of a lessening of the dependency on the ex-spouse and the growing distrust that develops between them. Corwin et. al. contend that the growth in the number of sex abuse allegations during litigation may be explained more readily by the devastating impacts of divorce causing undue stress "which may precipitate regressive 'acting out' by parents, including child sexual abuse" (Corwin, et. al., 1987:102). They continue by arguing that traits such as narcissism, paranoid ideation, antisocial tendencies and substance abuse identified in adults who sexually abuse children are in fact more common in divorcing adults. These may be a more significant major factor in the increase of reported sexual abuse of children rather than false accusations (Corwin, et. al., 1987:102).

Deidre Rand counters these claims with other explanations to account for the high numbers of accusations that surfaced after the 1980's. She argued that during the 1980's in the US, in an attempt to "make up for society's blind eye to child abuse in the past", there was a "massive campaign" to educate child advocacy workers (police, judges, social workers and mental health professionals) "to reflexively accept all allegations of child abuse as true" (Rand, 1997:4). She proposes this new attitude, along with media attention on child abuse and the

sensitizing of children through school programs that teach "good touch/bad touch", has allowed a proliferation of false allegations of abuse to flourish, especially in the divorce arena (1007:5). This is also one explanation Gardner advanced to explain the increase of fathers being accused of sexual abuse in parental alienation syndrome cases (Gardner, 1992:188**)**. He believed children had been psychologically traumatized by sex abuse prevention programs and that few children had benefited from them. He held that these programs confused children who may misinterpret the affection from fathers and report innocent touching to their mothers as sex abuse (Gardner, 1991:15-18).

Donileen Loseke reminds us of the "hierarchy of credibility" which dictates that we are prone to overvalue claims made by those in authority such as scientists and devalue those made by people with little social capital such as children. She stresses the importance of being as scrupulous with the claims of those with prestige as those without (2003:179). Social responsibility requires careful discrimination in the evaluation of claims made by those who may personally benefit at the expense of children. Erna Olafson, David Corwin and Roland Summit argue that Western society is experiencing a reaction against the belief that children do not lie about sexual abuse; and, a strong backlash against "child-saver" claims regarding the prevalence of sexual abuse in Western society (1993:19). Their historical analysis documents the "cycles of discovery and suppression of child sexual abuse awareness" and they assert that powerful claimsmakers such as "mental health professionals, the courts and the media are once again attempting to deny or minimize the problem of child sexual abuse" (1993:7). Constructing false allegations as a serious social problem is being used as an important tool in this process.

<u>PAS as the "Sexist Diagnosis"</u>

The controversy surrounding parental alienation syndrome has a gendered component with mothers fighting against and fathers fighting for its legitimacy. According to Andre Schepard, editor of the publication *Family Court Review*, gender issues have fueled the resistance to accepting parental alienation syndrome as a legitimate entity. "Fathers' groups viewed it as an antidote to an epidemic of false accusations of domestic violence and child abuse against men. Women's groups viewed it as 'junk science', a political plot to roll back the protections and changes in social attitudes for victims of domestic violence and child abuse that had taken years to achieve" (2001:243).

According to Gardner, the changes in custody and access practices, incorporating joint custody and the friendly parent concept, caused the great increase in incidents of parental alienation syndrome. Gardner purported that women, who had been considered the better caregivers by the courts, and received custody most of the time during the "tender years" era, now programmed children to hate their fathers in a desperate attempt to regain their lost advantage in the courts (2002:94). First, from the mid-eighties until the mid-nineties he found that in 85 to 90 percent of his parental alienation syndrome cases, the alienators were mothers acting against fathers (2002:104). Second, Gardner wrote that there were reasons why his opponents labeled him "a sexist". In all of the custody cases involving allegations of sexual abuse, he testified on behalf of fathers. Gardner countered the accusation of sexism by stating that after the mid-nineties he started seeing more cases of father alienators. He reasoned that since fathers were beginning to be more involved in the daily care of children and spent more time with them than in the past, they had more time to program their children against their mothers. Accordingly, he revamped his numbers to a more equitable fifty-fifty ratio (2002:105).

The early construction of parental alienation syndrome as a gendered medical phenomenon raised serious concerns for feminist activists and promoted counterclaims from those active in the legal and social sciences arenas such as University of California professor of law, Carol Bruch and University of Tulane sociologist, Michele Adams. Bruch argued that the focus on the best interest of the child had been lost and redirected to the scrutinization of the mother/child relationship instead of discerning what role the father played in the child's aversion (2001:382). Adams' concerns were directed at the "embedded assumptions about the inherently vindictive nature of scorned women" in Gardner's work which have permeated the public's "taken for granted knowledge of the syndrome" (2007:331). Both academics argued that the sexist foundation of the theories had jeopardized any possible value of Gardner's work in the future.

Of the studies done on parental alienation syndrome mothers are identified as the alienating parent in overwhelming numbers and fathers as the alienated ones. After analyzing Kopetski's data for the years 1976 to 1990, Rand and Rand (2006) found a ratio of two to one mother alienators and father being alienated. Interestingly, as mentioned earlier on, as the number of cases of parental alienation syndrome increased after 1986 this ratio remained constant (Kopetski, Rand and Rand, 2006:68). The Rands also determined that mothers overwhelmingly made more false allegations of sexual abuse against fathers (11 cases to 2) whereas, more fathers accused mothers of child neglect (21 cases to 3). The study reported 45 incidences of false allegations in the group of 84 cases (29 percent sexual abuse, 15 percent physical abuse and 56 percent child neglect) (2006:68). These researchers determined that parental alienation syndrome was not gender-determined, that is, males and females were both

capable of initiating these maneuvers. Rather they concluded cultural attitudes and social climate allowed mothers to exploit their situations (2006:68).

An often-referenced study done in 1991 by Clawar and Pivlin on behalf of the American Bar Association found gender differences in programming/brainwashing techniques used by litigating parents. Their research spanned twelve years and approximately one thousand cases of which seven hundred were comprehensive enough to include in their data analysis (1991:173). Accordingly, they reported that females were overwhelmingly more prone to programme/brainwash children, (between 4 to 85 percent of females compared to 2 to 25 percent of males), depending on what analysis technique was used (1991:155). Their research uncovered the following major areas of concern used by mothers to justify their actions: (1) Birthright – women used the biological explanation (pregnancy, giving birth and nursing) in justifying they were psychologically more bonded to their children than the fathers were and often referred to them as mere "sperm donors". (2) Some women had a "proprietary-exclusionary" perspective about their children and considered them their exclusive property. (3) Some viewed women, family and children as synonymous, believing that family life is intimately more connected to them than to males. (4) The women also identified themselves as mothers first, thus perceiving a severe loss of identity and social status with shared parenting. (5) Some used their children to extract more money from their ex-partners through child support. (6) Some reverted to programming/brainwashing in answer to fathers "seducing" their children with extras these mothers could not afford. Many fathers gained financially after divorce, while many of the mothers lost financial resources. (7) Some refused to accept that their ex-partners could change and become better fathers after divorce and insisted their historical family relationship remain unchanged, retaining the majority of the responsibilities for the children for themselves. These

women argued that the contact children had had with their fathers was weak and inconsequential before divorce and should remain unchanged since, as mothers, they were the primary caregivers. (8) Some adhered to the belief that men are less capable of parenting than women are. As mothers, they were always there to repair any parenting errors done by their ex-husbands and now separated, they were afraid for their children. (9) Women more often than the men in the study felt a social expectation from extended family and friends to continue as primary caretakers to their children post divorce. (10) Some woman experienced a "sense of loss", especially when left for another woman, that created a deep protectionist reaction using the children as a "stopgap measure for the feeling of loss". (11) Many women wanted to start new by changing their geographical location and programmed/brainwashed their children to support them in this venture. (12) Some of the women were more likely to apply pressure to children to call their new stepfather "Daddy" and their biological fathers by their first names. (13) And just as Gardner had determined, these researchers also rationalized that by the sheer fact that mothers spent more time with their children they had more opportunity to programme/brainwash them. (1991:161).

Johnston's (2003) empirical study in the San Francisco Bay, California area included 215 children (108 girls; 107 boys), aged from five to fourteen years divided into two groups: litigation and non-litigation. Thirty-seven percent of the families in the non-litigation group reported a history of family violence as opposed to 76 percent in the litigation group. Altogether 56 percent of the children lived with their mothers, 16 percent with their fathers, 27 percent in joint custody, and the average non-custodial time was 8.3 days per month (2003:161). The study consisted of interviews with each family member separately and each person went through a battery of psychometric testing. Seven experienced clinicians rated each case independently

(with a high inter-rater reliability); and the data was analyzed using multivariate regression analysis. Johnston's team found that the majority of children were not alienated from either parent; actually, they found very few cases, eight to nine percent, of extreme rejection of a parent by a child (2003:164). Their results showed few differences between mother-alignments and father-alignments. The variables predicting the degree of rejection of mothers and fathers were primarily the same with slight differences in order of importance: this included mother/father's lack of warm-involvement, mother/father's warm-involvement, separation anxiety from mother/father, children used/sabotaged by mother, and age of the children. The sabotage factor was observed only by mothers not by fathers.

An important conclusion from the study was that contrary to parental alienation syndrome theory, which allocates maximum responsibility for a child's rejection on the alienated parent, this study concluded that both the alienated and the rejected parents shared in the problem along with vulnerabilities of the children (2003:169). The researchers found that the rejected parents of either sex contributed to their alienation through poor parenting skills, lack of warmth, empathy, capacity to communicate, and lack of understanding of the children's feelings and ideas (2003:168).

A 1994 study by Dunne and Hedrick analyzed sixteen families involved in custody and access litigation who met Richard Gardner's criteria for parental alienation syndrome. In fifteen of the sixteen families, the mother was found to be the alienator, and in one case it was the non-custodial father. The therapists used wide range of interventions to address the alienation, including, therapy for the children and both parents, together and alone. None of their interventions worked except in three cases whereby the courts had reversed custody and limited access to the alienating mother. Notwithstanding, they reported that although the list of criteria

for identifying parental alienation syndrome had been helpful in their evaluation of the families, they considered the label of syndrome as unnecessary since negative psychological responses of children of intense post-divorce conflicts are common and that some elements of parental alienation probably occurred in most divorcing families (1994:35).

A new twist to the rhetoric of parental alienation syndrome is the goal of realigning its sexist flavour with a more gender-neutral definition. After years of pathologizing women, before this death, Richard Gardner reversed his sexist position and included fathers as equally capable of alienating. However, since he did not rescind his writings, this last ditch effort carried little weight, and for feminists, the misogynistic nature of his work is still inescapable.

Chapter 5

Conclusion

This thesis examined the process through which the concepts of parental alienation syndrome and false allegations came to be accepted as widespread social problems within a relatively short span of twenty years. The process involved a complex interaction of the political, judicial, medical and social movement arenas, as well as, input from mass media and social problem workers.

Until recently, there was a "standard" formula taken for granted in Canada for the allocation of the custody and access of children post-divorce. The mothers got sole-custody and fathers got access every second weekend and Wednesdays from after school until 7:00 pm. People accepted that divorcing parents usually did not like each other; friends and family members became entrenched in one camp or the other, and rarely did anyone stay friends with both parties. Divorcing parents were encouraged to "vent" against their ex and children were often aware of the animosity between their parents. It was considered "understandable parental behaviour" in the context of divorce. This does not mean that the behaviour was right or that parental alienation is not a valid concern.

Academics have written about its effects on children since at least the early 1970's. However, at the beginning of my research, I had no idea of the vast influence and myriad ways in which Gardner's concepts had infiltrated both the psychological and the legal domains and fanned the competitiveness of the forever mutating divorce arena. The fact that conflicting parents speak derogatively about their ex-partners in earshot of their children is not at issue.

What is of concern is the extent to which this reaction, accepted in the past as a "normal" part of divorce, has been reassessed as "child abuse".

There has been a change in the perceptions of what is acceptable behaviour by divorcing parents. Behaviours, tolerated in the recent past, have been medicalized and legalized. This shift has triggered an expansion of claims by powerful Fathers' Right activists of the meaning of fatherhood. Derogatory labels for non-custodial fathers are now "politically incorrect". A chain reaction has lead to the social acceptance of a new definition of a new vocabulary of expressions such as "denigrating", "parental alienation", and "vindictive" and so on that has permeated the common knowledge category of custody and access.

Those of us who venture into social problems' work often question ourselves about the day-to-day ramifications of all the decisions we routinely make. As mentioned in Chapter 2, Best described the front line workers as having a great deal of discretionary power to choose which concerns will be reported and which will be overlooked.

As an access worker in the late 1990's several of my clients were non-custodial fathers under court orders because of allegations of sexual abuse of their children by their ex-partners. As I think back on some of these cases, I realize the impact my role as supervisor had on the day-to-day lives of the family members; but also, how my work played into the construction of these concepts as social problems. It is only retrospectively that I understood that each word I included in my notes regarding the interactions between children and their custodial family had any connection with the concepts.

Finally, this research could be expanded to investigate the extent to which the concepts of parental alienation syndrome and false allegations have been accepted as social problems by other countries with different forms of custody and access systems than in Western countries. It

is possible, even likely, that the concepts would be interpreted differently by other societies, possibly dismissed as unimportant. On the other hand, the international nature of the Fathers' Rights Movement facilitates the diffusion of concepts in countries that one would expect immune to such claims.

References

Abdelmalik, Marie. 1999. "Best Interests of the Child?: Contemporary Canadian Post-Separation Custody and Access Issues". Masters of Arts Thesis (Department of Sociology and Anthropology, Simon Fraser University).

Adams, Michele. 2007. "Framing Contests in Child Custody Disputes: Parental Alienation Syndrome, Child Abuse, Gender, and Fathers' Rights". *Family Law Quarterly*, Vol 40:315-338.

Ahrons, Constance R. 2007. "Family Ties after Divorce: Long-term Implications for Children." *Family Process,* Vol. 46:53-65.

American Psychiatric Association. 2006. *APA Practice Guidelines for the Treatment of Psychiatric Disorders [electronic resource]*. Arlington, VA: APA. Retrieved on January 1, 2008 at http://www.psychiatryonline.com.proxy.queensu.ca/content.aspx?aID=11964

Austin, Richard B. Jr. 2006. "PAS as a Child against Self". Pp. 56-64. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publishers.

Baker, Amy J.L. 2006. "Patterns of Parental Alienation Syndrome: A Qualitative Study of Adults Who were Alienated from a parent as a Child." *The American Journal of Family Therapy,* Vol.34:63-78.

Bala, Nicholas M.C. 1999a. "A Report from Canada's 'Gender War Zone': Reforming the Child-Related Provisions of the Divorce Act". Pp. 163-202. *Canadian Journal of Family Law.* Vol. 16.

Bala, Nicholas M.C. 1999b. "The Best Interest of the Child in the Post-Modernist Era: A Central but Illusive and Limited Concept". Pp. 3.1-3.77. In *Special Lectures 2000: Family Law a Colloquium on "Best Interest of the Child": New Perspectives on the Resolution of Custody Disputes,* edited by Harold Niman and Gerald P. Sadvari. Montreal: Law Society of Upper Canada.

Bala, Nicholas M.C. and Nicole Bailey. 2005. "Enforcement of Access & Alienation of Children: Conflict Reduction Strategies & Legal Responses". *Canadian Family Law Quarterly*, Vol. 23:1-61.

Bala, Nicholas M.C., Barbara-Jo Fidler, Dan Goldberg and Claire Houston., 2007. "Alienated Children and Parental Separation: Legal Responses in Canada's Family Courts". *Queen's Law Journal*, Vol. 33:79-125.

Bala, Nicholas M.C., Nico Trocmé, John Schuman, Sherri L. Tanchak and Joseph P. Hornick. 2001. "Allegations of Child Abuse in the Context of Parental Separation: A Discussion Paper". Presented to: Family Children and Youth Section, Department of Justice Canada.

Berger, Perter L. and Thomas Luckmann. 1966. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge.* Garden City, New York: Doubleday.

Bernet, William. 2006. "Sexual Abuse Allegations in the Context of Child Custody Disputes". Pp. 242-263. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publishers.

Berns, S. 2006. "Recognition of PAS in Australia". Pg. 121-130. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publishers.

Bertoia, Carl and Janice Drakich. 1993. "The Fathers' Rights Movement: Contradictions in Rhetoric and Practice". *Journal of Family Issues*, Vol 14(4):592-615.

Best, Joel. 2008. *Social Problems.* New York: W. W. Norton & Company.

Best, Joel. 1990. *Threatened Children: Rhetoric and Concern about Child-Victims*. Chicago: University of Chicago Press.

Best, Joel. (Ed.). 1989. "Introduction: Typification and Social Problems Construction". Pp. xv-1. In *Images of Issues: Typifying Contemporary Social Problems.* New York: Aldine de Gruyter.

Best, Joel. (Ed.). 1989. "Afterword: Extending the Constructionist Perspective: A Conclusion and an Introduction." Pp. 243-251. In *Images of Issues: Typifying Contemporary Social Problems.* New York: Aldine de Gruyter.

Blackshirts. 2008. The Black Shirts: *The Crime of Adultery*. Retrieved on line on June 9, 2008 at http//:www.blackshirts.info

Bloom, Hy and Richard D. Schneider. 2006. *Mental Disorder and the Law: A Primer for Legal and Mental Health Professionals*. [electronic resource]. Toronto: Irwin Law. http://www.myilibrary.com/browse/open.asp?ID=94012

Blumer, Herbert. 1971. "Social Problems as Collective Behavior". *Social Problems,* Vol. 18: 298-306.

Blush, Gordon J. and Karol L. Ross. 1987. "Sexual Allegations in Divorce: The SAID Syndrome". *Conciliation Courts Review*, Vol 25(1):1-11.

Bogard, Cynthia J. 2003. "Explaining Social Problems: Addressing theWhys of Social Constructionism". Pp. 209-235. In In *Challenges & Choices: Constructionist Perspectives on Social Problems,* edited by James A. Holstein and Gale Miller. New York: Aldine de Gruyter.

Booth, Alan and Paul R. Amato. 2001. "Parental Predivorce Relations and Offspring Postdivorce Well-Being". *Journal of Marriage and Family*, Vol. 63:197-212.

Boyd, Susan B. 2006. "'Robbed of their Fathers'? Fathers' Rights Discourses in Canadian Parenting Law Reform Processes". Pp. 27-51. In *Fathers' Rights Activism and Law Reform in Comparative Perspective,* edited by Richard Collier and Sally Sheldon. Oxford: Hart Publishing.

Boyd, Susan B. 2003. *Child Custody, Law, and Women's Work.* Don Mills, Ontario: Oxford University Press.

Boyd, Susan B. 1989. "From Gender Specificity to Gender Neutrality? Ideologies in Canadian Child Custody Law". Pp. 126-157. In *Child Custody and the Politics of Gender,* edited by "Carol Smart and Selma Sevenhuijsen, London: Routledge.

Burr, Vivien. 1995. *An Introduction to Social Constructionism.* London: Routledge.

Burrill, Janelle. 2006. "Reluctance to Verify PAS as a Legitimate Syndrome". Pp. 323-330. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publishers.

Brown, Thea. 2003. "Fathers and Child Abuse Allegations in the Context of Parental Separation and Divorce". *Family Court Review.* Vol. 41(3):367-380.

Bruch, Carol S. 2001. "Parental Alienation Syndrome and Alienated children - getting it wrong in child custody cases". *Family Law Quarterly*, Vol. 35:527-546.

Burnaby School District, Undated. *Supervised Access Training Certificate*. [Brochure]. Adult & Continuing Education.

Calabrese, Raymond M., John W. Miller and Buddy Dooley (1987). "The Identification of alienated parents and children: Implications for school psychologists". *Psychology in the Schools*, Vol. 24:145-150.

Canadian Children's Rights Council. 2008. "Parental Alienation - Brainwashing a child to hate a parent". Retrieved on line on May 24, 2008 at http://www.canadiancrc.com/Parental_Alienation/Parental_Alienation.aspx

Canadian Symposium for Parental Alienation Syndrome. 2008. Retrieved on May 24, 2008 at http://cspas.ca/registration.shtml

CanLaw. 2008. *Fathers Have No Rights in Canada.* Retrieved on line June 5, 2008 at http://www.canlaw.com/rights/fathers.htm

Cartwright, Glenn F. 2008a. *PAIN-Parental Alienation Information Network*. Retrieve on line June 9, 2008 at http//:www.education.mcgill.ca/pain/

Cartwright, Glenn F. 2008b. *Brief to the Special Joint Committee on Child Custody and Access.* Retrieved on line June 9, 2008 at http//:www.education.mcgill.ca/profs/Cartwright/papers/pasbrf01.htm

Cartwright, Glenn F. 1993. "Expanding the Parameters of Parental Alienation Syndrome". *American Journal of Family Therapy.* 21(3):205-210.

Children Need Both Parents, Inc. 2008. *About Us.* Retrieved on line June 8, 2008 at http://www.cnbpinc.org/

CincinnatiPAS.com. Undated. Homepage. Retrieved on line on June 10, 2008 at http//:www.cincinnatipas.com

Clawar, Stanley S. and Brynne V. Rivlin. 1991. *Children Held Hostage: Dealing with Programmed and Brainwashed Children.* Chicago: American Bar Association.

Conrad, Peter. 2007. *The Medicalization of Society: On the Transformation of Human Conditions into Treatable Disorders.* Baltimore: The Johns Hopkins University Press.

Conrad, Peter. 1992. "Medicalization and Social Control". *Annual Review of Sociology,* Vol. 18:209:232.

Cools, Hon. Anne C. 2000. *Senate Debates*. October 28, 1997. Ottawa.

Corwin, David L., Lucy Berliner, Gail Goodman, Jean Goodwin and Sue White. 1987. "Child Sexual Abuse and Custody Disputes". *Journal of Interpersonal Violence*, Vol. 2(1):91-105.

Cross, Pamela. 2004. "Custody and Access Lobby Continues: Re-Visiting Bill C-22". Retrieved on line at Ontario Women's Justice Network. http://www.owjn.org/custody/july04.htm

Department of Justice Canada. (2002). *Final Federal-Provincial-Territorial Report on Custody and Access and Child Support: Putting Children First.* Ottawa: Department of Justice Canada.

Donzelot, Jacques. 1979. *The Policing of Families.* Translation of : La police des families. Paris: Les Editions de Paris.

Douglas, Kristen. 2001. *Divorce Laws in Canada.* (96-3E). Depository Services Program (Law and Government Division, Government of Canada). Retrieved on line June 11, 2008 at http://dsp-psd.pwgsc.gc.ca

Douglas, Kristen. 2003. "Bill C-22: An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to Amend other Acts in Consequence". Document LS-447E, Legislative Summaries, Ottawa. Retrieved on line at http://www.parl.gc.ca/common/bills_ls.asp?Parl=37&Ses=2&ls=c22#

Duhaime's Legal Law Dictionary. Retrieved on line February 12, 2008 at http://www.duhaime.org/LegalDictionary/P/Primafacie.aspx

Dunne, John and Marsha Hedrick. 1994. "The Parental Alienation Syndrome: An Analysis of Sixteen Selected Cases". *Journal of Divorce and Remarriage.* Vol. 21(3/4):21-38.

Ex-fathers.org. 2008. *Statement of Objectives.* Retrieved on line June 5, 2008 at http://www.ex-fathers.org/petition.html

Faller, Kathleen Coulborn and Ellen DeVoe. 1995. "Allegations of sexual abuse in divorce". *Journal of Child Sexual Abuse,* Vol. 4(4):1-25.

Family of Men Support Society. 2008. *Homepage*. Retrieved on line June 5, 2008 at http://famiolyofmen.com/

Fathers for Life. 2003. "The Judicial manslaughter of Mark Edward Dexel". Retrieved on line at http://fathersforlife.org/fatherhood/Mark_Dexel.htm

Fraserside Community Services Society. (2007). Conversation with Caroline Bonesky, Executive Director on December 3, 2007. Web site: http://www.fraserside.bc.ca/about/contacts.htm

Freud, Sigmund. 1916. *The Complete Introductory Lectures on Psychoanalysis.* Translated and Edited, 1971 edition. Oxford, UK: Alden & Mowbray Ltd.

Garber, Benjamin D. 2007. "Conceptualizing Visitation Resitance and Refusal in the Context of Parental Conflict, Separation, and Divorce". *Family Court Review.* Vol. 45(4):588-599.

Gardner, Richard A. 2008. "Parental Alienation Syndrome Legal Citations". http://www.rgardner.com/

Gardner, Richard A. 2006. "The Parental Alienation Syndrome and the Corruptive Power of Anger" Pp. 33-49. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publisher.

Gardner, Richard A. 2002. "Parental Alienation Syndrome vs. Parental Alienation: Which Diagnosis Should Evaluators Use in Child-Custody Disputes ?". *The American Journal of Family Therapy, Vol. 30(2):93-115.*

Gardner, Richard A. 2003. "Future Predictions on the Fate of PAS Children: What Hath Alienators Wrought?". Pp. 179-194. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publisher.

Gardner, Richard A. 1999. "Differentiating Between the Parental Alienation Syndrome and Bona fide Abuse/Neglect". *American Journal of Family Therapy,* 27(2):97-107.

Gardner, Richard A. 1992a. *True and False Accusations of Child Sex Abuse.* New Jersey: Creative Therapeutics.

Gardner, Richard A. 1992b. *The Parental Alienation Syndrome: A Guide for Mental Health and Legal Professionals*, NJ: Creative Therapeutics.

Gardner, Richard A. 1991. *Sex Abuse Hysteria: Salem Witch Trials Revisited*. New Jersey: Creative Therapeutics.

Gardner, Richard A. 1989. *Family Evaluation in Child Custody Mediation, Arbitration, and Litigation.* New Jersey: Creative Therapeutics.

Gergen, Kenneth J. 1985. "The Social Constructionist Movement in Modern Psychology". *American Psychologist.* Vol. 40:3:266-275.

Globe and Mail. 1987. "Roundup Biathlon". (Author Unknown). November 30, 1987, Pp. C8, Toronto.

Gottlieb, Daniel S. 2006. "Parental Alienation Syndrome – An Israeli Perspective: Reflections and Recommendations". Pp. 90-107. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publisher.

Ha, Tu Thanh, and James Christie. 2006. "The Strange Case of Myriam Bédard". *The Globe and Mail*. Toronto, November 9, 2006. Pp. A8.

Heim, Sheila, Helen Grieco, Sue di Paola and Rachel Allen. 2002. *Family Court Report* California National Organization for Women. Retrieved on line on May 17, 2008 at http://canow.org/famlaw_report/famlawreport.html

Henderson, Tammy L. 2005. "Grandparent Visitation Rights: Successful Acquisition of Court Ordered Supervision". *Journal of Family Issues*. 26(1):107-137.

Hlady, L. J. and E. J. Gunter. (1990). "Alleged Child Abuse in Custody Access Disputes". *Child Abuse and Neglect.* Vol. 14:591-593.

Hobbs, Tony. 2006a. "PAS in the United Kingdom: Problems in Recognition and Management". Pp. 71-89. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publisher.

Hobbs, Tony. 2006b. "Legal Requirements of Experts Giving Evidence to Courts in the United Kingdom: PAS and the Experts' Failure to Comply". Pp. 439-450. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publisher.

Holstein, James A. and Gale Miller. 2003. "A Fork in the Road: Challenges and Choices in Social Constructionism". Pp. 1-17. In *Challenges and Choices: Constructionist Perspectives on Social Problems,* edited by authors. New York: Aldine de Gruyter.

Humphreys, Catherine. 1997. "Child Sexual Abuse Allegations in the Context of Divorce: Issues for Mothers". *British Journal of Social Work,* Vol. 27(4):529-544.

Ibarra, Peter R. and John I. Kitsuse. 2003. "Claims-Making Discourse and Vernacular Resources". Pp. 17-50. In *Challenges & Choices: Constructionist Perspectives on Social Problems*, edited by James A. Holstein and Gale Miller. New York: Walter de Gruyter.

Jacobs, John W. 1988. "Euripides' Medea: A Psychodynamic Model of Severe Divorce Pathology". American Journal of Psychotherapy. Vol. 42(2):308-319.

James, Beverly, and Claudia Gibson. 1991. "Supervising Visits between Parent and Child". *Family and Conciliation Courts Review.* 29(1):73-84.

Jeter, Kris. 1994. "From Stereotype to Archetype: Single Parent Families". *Marriage and Family Review.* Vol. 20(3/4):533-550.

Jones, David P.H. and J. Melbourne McGraw. 1987. "Reliable and Fictitious Accounts of Sexual Abuse to Children". *Journal of Interpersonal Violence*. Vol. 2(1):27-45.

Johnston, Janet R. 2003. "Parental Alignments and Rejection: An Empirical Study of Alienation in Children of Divorce". *The Journal of the American Academy of Psychiatry and the Law.* Vol. 31:158-170.

Johnston, Janet R. 1993. "Children of Divorce Who Refuse Visitation". Pp. 109-135. In *Nonresidential Parenting: New Vistas in Family Living,* edited by Charlene E. Depner and James H. Bray. Newbury Park, California: Sage Publications.

Kelly, Joan B. and Janet R. Johnston. 2001. "The Alienated Child: A Reformulation of Parental Alienation Syndrome. *Family Court Review.* Vol. 39:3:249-266.

Kennedy, Robert A. 2004. *Fathers for Justice: The Rise of a New Social Movement in Canada as a Case Study of Collective Identity Formation.* Michigan: Caravan Books

Klass, Joanna L. and Joel V. Klass. 2005. "A Divergent Concept of Parental Alienation Syndrome (PAS)". *American Journal of Family Law*, 18(4):189-191.

Kopetski, Leona M., Deirdre Conway Rand, and Randy Rand. 2006. "Incidence, Gender, and False Allegations of Child Abuse: Data on 84 Parental Alienation Syndrome Cases". Pp. 65-70. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publishers.

Kurtz, Richard A. and H. Paul Chalfant. 1991. *The Sociology of Medicine andIllness*. 2nd Edition. Boston: Allyn and Bacon.

Lavietes, Stuart. 2003. "Richard Gardner, 72, Dies; Cast Doubt on Abuse Claims". New York Times, published June 9, 2003. Retrieved December 28, 2007 from http://query.nytimes.com/gst/fullpage.html?res=9F05E0DB1539F93AA35755C0_A9659C8B63

Leitner, Werner and Annelie Künneth. 2006. "Parental Alienation Syndrome: Theory and Practice in Germany". Pp. 108-120. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publishers.

Lorandos, Demosthenes. 2006. "Parental Alienation Syndrome: Detractors and the Junk Science Vacuum". Pp. 397-418. In *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations,* edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Sprinfield, Illinois, USA: Charles C. Thomas Publishers.

L. (J.K.). v. S. (N.C.). 2008. Court file no. 74-07 before Justice Turnbull of the Ontario Superior Court on April 22, 2008. Retrieved on line on June 6, 2008 at Carswell.

Loseke, Donileen R. 2001. "Lived Realities and Formula Stories of "Battered Women". Pp. 107-127. In *Institutional Selves: Troubled Identities in a Postmodern World,* edited by Jaber F. Gubrium and James A. Holstein. New York: Oxford University Press.

Loseke, Donileen R. 2003. *Thinking about Social Problems: An Introduction to Constructionist Perspectives*. 2nd Ed. London UK: Aldine Transaction.

Mayes, R. and A. Horwitz. 2005. "DSM-III and the Revolution in the Classification of Mental Illness". *Journal of the History of Behaviour Sciences,* Vol. 41(3): 249-267.

Menzies, Robert. 2007. "Virtual Backlash: Representations of Men's "Rights" and Feminist "Wrongs" in Cyberspace". Pp. 65-97. In *Reaction and Resistance: Feminism, Law and Social Change*, edited by Dorothy E. Chunn, Susan B. Boyd, and Hester Lessard. Vancouver: UBC Press.

Milan, Anne, Mireille Vezina and Carrie Wells. 2006. "Family portrait: Continuity and change in Canadian families and households in 2006: National portrait: Census families". Demography Division, Statistics Canada. Retrieved on line at http://www12.statcan.ca.proxy.queensu.ca/english/census06/release/release_maritalstatus

Neustein, Amy and Michael Lesher. 2005. *From Madness to Mutiny: Why Mothers Are Running from the Family Courts – and What Can Be Done about It.* Boston: Northeastern University Press.

Olafson, Erna, David L. Corwin and Roland C. Summit. 1993. "Modern History of Child Sexual Abuse Awareness: Cycles of Discovery and Suppression". *Child Abuse & Neglect*, Vol. 17:7-24.

Ontario Ministry of Attorney General. 2007. *Supervised Access*. Retrieved April 27, 2007 at http://www.attorneygeneral.jus.gov.on.ca/english/family/supaccess.asp#fund

Oxford Dictionary of Law. 2008. Retrieved on line on January 1, 2008 at http//:www.oxfordreference.com.proxy.queensu.ca/

Penfold, P. Susan. (1997). "Questionable Beliefs About Child Sexual Abuse Allegations During Custody Disputes". *Canadian Journal of Family Law*, Vol.14:11-30.

Professional Academy of Custody Evaluators (PACE). 2008. Custody Newsletter #9. Retrieved on line on June 6, 2008 at http://www.pace-custody.org/newsletter9.htlm

Pulkingham, Jane. 1999. "Private Troubles, Private Solutions: Poverty among Divorced Women and the Politics of Support Enforcement and Child Custody

Determination". Pp. 277-297. In *Law in Society: Canadian Readings,* edited by Nick Larsen and Brian Burtch. Toronto: Harcourt Brace & Co.

Rand, Deidre, Conway. 1997a. "The Spectrum of Parental Alienation Syndrome-Part 1". *American Journal of Forensic Psychology*, Vol. 15(3):1-32.

Rand, Deidre, Conway. 1997b. "The Spectrum of Parental Alienation Syndrome-Part II". *American Journal of Forensic Psychology*, Vol. 15(4):1-82.

Rand, Deidre, Conway. 1993. "Munchausen Syndrome by Proxy: A Complex Type of Emotional Abuse Responsible for Some False Allegations of Child Abuse in Divorce". *Institute of Psychological Therapies*, Vol. 5. Retrieved on line June 17, 2008 at www.ipt-forensics.com/journal/volume5/j5

Rauhala, Ann. 1988. "Women Alarmed by Male Activists". *Globe and Mail*. Friday, March 11, 1988, page 1. Retrieved on line June 8, 2008 at http://heritage.theglobeandmail.com

Richardson, Pamela. 2006. *A Kidnapped Mind.* Toronto: Dundurn Press.

Riga, Andy. 2006. "Children face difficult reintegration, expert warns; many suffer from parental alienation". Retrieved on line on March 16, 2008 from *Times Colonist*. December 24, 2006. Pp. A3.

Risling, Greg. 2007. "Basinger in court for hearing into custody of child. *Winnipeg Free Press*. Published May 5, 2007. Retrieved on line on June 6, 2008 at http://proquest.umi.com.proxy.queensu.ca/pqdweb?index

Rosenberg, Charles E. 1992. "Introduction-Framing Disease: Illness, Society, and History". Pp. xiii-xxvi. In *Framing Disease: Studies in Cultural* History, edited by Charles E. Rosenberg and Janet Golden. New Brunswick, New Jersey: Rutgers University Press.

Sauber, Richard S. 2006. "PAS as a Family Tragedy: Roles of Family embers, Professionals, and the Justice System". In *The International Book of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations*, edited by Richard A. Gardner, S. Richard Sauber and Demosthenes Lorandos. Springfield, Illinois: Charles C. Thomas Publisher.

Schepard, Andre. I. (Ed.). 2001. "Editorial Notes". *Family Court Review*, Vol. 39(3):243-245.

Smart, Carol, and Bren Neale. 1999. *Family Fragments?* Oxford, UK: Polity Press.

Smith, Ronald E. and Ariel Smith. 2007. *Cheated: A Documented Account of Parental Alienation Syndrome*. Chicago: Publish America.

Stoltz Jo-Anne M and Tara Ney. 2002. "Resistance to Visitation: Rethinking Parental and

Child Alienation". *Family Court Review.* Vol. 40(2):220-231.

Spector, Malcom and John I Kitsuse. 1977. *Constructing Social Problems.* Marlo Park, CA: Cummings.

Straus, Robert and Eve Alda. 1994. "Supervised Child Access: The Evolution of a Social Service". *Family and Conciliation Courts Review.* 32:230-246.

Statistics Canada, *Divorces 1995,* (Ottawa: Statistics Canada, 1995) Table 8 at 20.

Sullivan, Matthew J. and Joan B. Kelly. 2001. "Legal and Psychological Management of Cases with an Alienated Child". *Family Court Review*, Vol. 39:3:299-315.

Sullivan, Terrence. 1992. *Sexual Abuse and the Rights of Children: Reforming Canadian Law.* Toronto: University of Toronto Press.

Thoennes, Nancy and Patricia G. Tjaden. (1990). "The Extent, Nature, and Validity or Sexual Abuse Allegations in Custody/Visitation Disputes". *Child Abuse & Neglect.* Vol. 14:151-163.

Turkat, Ira Daniel. 1995. "Divorce Related Malicious Mother Syndrome". *Journal of Family Violence,* Vol. 10(3):253-264.

Vassiliou, Despina. 1998. *Parental Alienation Syndrome: The Lost Parents' Perspective*. Masters of Arts Thesis (Department of Educational Psychology and Counselling, McGill University).

Vassiliou, Despina and Glenn F. Cartwright. 2001. "The Lost Parents' Perspective on Parental Alienation Syndrome". *The American Journal of Family Therapy*, Vol. 29:181-191.

Wallerstein, Judith S., Julia Lewis and Sandra Bakeslee. 2000. *The Unexpected Legacy of Divorce: A 25 Year Landmark Study.* New York: Hyperion.

Wallerstein, Judith, S. and Sandra Bakeslee.1989. *Second Chances: Men, Women, and Children a Decade after Divorce.* New York: Ticknor & Fields.

Warshak, Richard A. 2001. *Divorce Poison: Protecting the Parent-Child Bond from a Vindictive Ex.* New York: Regan Books.

Williams, Gwyneth I. and Rhys H. Williams. (1995). '"All We Want is Equality"': Rhetorical Framing in the Fathers' Rights Movement". Pp. 191-212. In *Images of Issues: Typifying Contemporary Social Problems (2nd Ed.), edited by* Joel Best. New York: Aldine de Gruyter.

Williams, Justice R. James. 2001. “Should Judges Close the Gate on PAS and PA? *Family Court Review*, Vol. 39:3:267-281.

Woolgar, Steve and Dorothy Pawluch. 1985. “Ontological Gerrymandering: The Anatomy of Social Problems Explanations”. *Social Problems.* Vol. 32:3:214-27.

Appendix

Richard Gardner's Indicators of Falsely Accusing Mothers

(1) Mothers who have a childhood history of sexual abuse may be obsessed with sexual matters perceiving even innocent touching of their children by loving fathers as sexually inappropriate. (2) They often have a history of poor impulse control. They show impulsivity if instead of calling the father first to get his side of the story they immediately take their child to an medical professional, call child protection services, or a lawyer. (3) Women who are self-assertive often pressure those in authority to support their false accusations; in contrast, women controlled by males who abuse their children are often passive and inadequate as mothers. Falsely accusing women are very independent, outgoing, assertive and argumentative. (4) Gardner refers to "the modern mother" – they are more prone to expose their children to information about sexual-abuse and instill an unhealthy sense of vigilance in them regarding potential sexual perverts (Gardner, 1992:185). (5) Excessively moral mothers condemn normal sexual inquisition and exploration in their children and are often religious fundamentalists. (6) Allegations of sexual abuse are often the final strategy of exclusionary maneuvers that have existed since before the divorce. These mothers are overprotective and consider themselves more committed to their children than their fathers are. Gardner asserted that the greater the number of incidents of interfering with the father/child visits - the greater the possibility that the allegations are false. If the allegations originate during the custody and access dispute, most likely the accusations are false; however, if the divulgence of the abuse is the cause of the separation, the accusations are most likely true. Gardner stressed the importance of pinpointing the exact time of the offence to determine its validity. (7) Gardner emphasized that custody disputes often lead to unhealthy

alignments between mothers and children against fathers. After many failed attempts though other maneuvers, false accusations are used to remove the fathers once and for all from the lives of the colluding mother and child. (8) Mothers who falsely accuse ex-partners usually program their children to repeat exactly what they want them to tell the authorities. These children will often change their stories if the mothers are not with them during interviews or use words and expressions beyond their level of understanding. (9) Contrary to reactions in families with authentic abuse, mothers who make up allegations are quick to publicly discuss their suspicions with anyone and enjoy the pain and embarrassment caused to the accused. (10) Gardner asserts that if the allegations were true the accusing mothers would not hesitate to confront the fathers with the details of the abuse, instead they refuse and deny them the possibility of defending themselves. (11) Mothers are quick to hire lawyers and mental health professionals who will support their position and often refuse to cooperate with impartial court appointed evaluators by missing appointments, being late or refusing to participate in joint interviews. (12) These mothers wish to destroy their ex-partners' personal, as well as professional lives, and relish the thought of them going to jail. They are willing to forgo the financial consequences of the loss of child payment supports resulting from the fathers' incarceration. Gardner states that this extreme thinking does not happen in intact families of abuse since mothers in these cases think more clearly about their need for funds. (13) Mothers who promote false allegations tend to exaggerate ambiguous medical findings relating to the abuse and may take the children to visit a series of medical doctors until one agrees with them. Mothers who fabricate these types of accusations are so blinded by their obsession to destroy their ex-partners they do not consider the damage they are doing to their children by subjecting them to endless interrogations by all matter of professionals. (14) Mothers who make false allegations often surround themselves with people

who support them in their allegations. These are most likely female therapists who believe children never lie, therefore validate the abuse, and act as enablers to the false allegations. Gardner maintains that the expression "the truth" is used as a code-term to refer to the sex-abuse scenario. When children are told repeatedly by their mothers, therapists and lawyers to tell "the truth" they understand that what is wanted of them is to tell the story as they learnt it, not what really happened, so they continue repeating the lie and by the time they testify in court they actually believe it did happen. (15) Mothers who are unsure if their child is telling the truth about the allegation will unequivocally believe the experts. Since most child sexual abuse workers believe children never lie mothers always find some expert to substantiate the allegation. Often children are placed in therapy to find out the truth which may cause more harm than good to the child. (16) Mothers who make false accusations do not exhibit any shame at being the wives of abusive men. They actually take pleasure in publicizing the fact on television or in the newspapers. Contrarily, mothers of truly abused children show much shame in their role in the matter. (17) Attitude Regarding a Lie Detector Test - Those who are lying about the abuse refuse to take the test. Those who are delusional and believe the abuse has taken place, when in fact it has not, voluntarily take the test and pass because they have convinced themselves it happened. (18) Gardner states that it is important for sexually abused children to retain the relationship with their abuser fathers. In cases of false allegations mothers refuse all pretence of letting this materialize. They use the allegations to sever all ties with the fathers. Contrarily, in real abuse cases mothers usually understand the importance of the father-child relationship and rarely try to discontinue it. In many cases the accusing mother is reenacting the family pattern of relationships, their own mother alienated their father and now, as mothers, they are doing the same. (19) Gardner believed that many mothers who fabricate false allegations are hysterics and

good actors who con judges by their dramatic performances on the stand resulting in many innocent men going to prison. (20) Gardner also contended that these mothers most likely suffer from some paranoia which is increased through the prolonged exposure to divorce and/or custody litigation. These women cannot accept the truth and mistrust all those who do not agree with them about the allegations. (21) Mothers who are false accusers are obsessive about documenting verbatim anything the child might say relating to the abuse and take their notebook with them to evaluators as proof the abuse took place. Gardner believed only false accusers use notebooks in this way. (22) Gardner stated that these mothers believe everything their child says even if it outrageously ridiculous, they pathologize the normal, and exaggerate the danger of the child being alone with the father for even short periods convinced he will sexually abuse them. They also distance themselves from the father's extended family and often believe his parents somehow facilitated the abuse. If he is under court ordered supervision pending an investigation, these mothers will not allow any member of his family to supervise the visits. (23) Gardner stated that those who deceive in one area are more likely to be dishonest in other areas as well. He upheld that women who were deceptive in regards to paying his fees were most likely deceitful; therefore, it was important for an evaluator to document incidents that reflect this deceitful trait for use in court (Gardner, 1992a).