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'I was punished for telling the truth': how allegations of parental alienation are used to silence, sideline and disempower survivors of domestic abuse in family law proceedings

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This article presents empirical findings from a research study conducted by Women's Aid Federation England and Queen Mary University of London looking at domestic abuse and the family courts. The study found that allegations of parental alienation were frequently being used during child arrangements proceedings to obscure and undermine allegations of domestic abuse. These findings are presented against a backdrop of a recent revival of ideas around alienation in the family court in England and Wales. The article highlights a growing body of evidence demonstrating the gendered assumptions underlying parental alienation as a concept, and argues that the concept should not be accepted without analysis and understanding of the harmful impact it has on survivors of domestic abuse and their children.

Key words parental alienation • domestic abuse • family court • children

Key messages

- 'Parental alienation' has been increasingly invoked in the family courts in recent years, but there is a dearth of robust empirical studies to back up the concept and no reliable data on its prevalence.
- Studies demonstrate the gendered assumptions and myths underlying discourses of parental alienation, and the increasing use of these discourses to obscure and undermine domestic abuse in child arrangements proceedings.
- Theories of parental alienation, no matter how they are packaged or theorised, should not be accepted without analysis of the impact they have on survivors of domestic abuse and their children.
- This article contains an overview of the findings of a research project involving survivors of domestic abuse and their experiences of the family court system which evidences the aforementioned assertions.

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Introduction

‘The treatment I’ve had is very cruel. I’ve been punished for speaking about abuse, and I had my children used as a punishment. It’s horrifically painful to have your children taken in any circumstances, like going through a bereavement but they’re still alive. You don’t know how you can still exist. It’s as though we have no rights. We’ve been silenced [...] Sometimes I think “what kind of world have I found myself in?”’ (Interview participant)

Over the last four years, ideas around ‘parental alienation’ and arrangements for children after parents separate have been increasingly discussed in the media and among professionals involved in family law proceedings. The ideas behind parental alienation are not new; they have surfaced in different forms during the last half century, used interchangeably to describe parents who are judged to be blocking contact between their child and the other parent, or coaching a child to believe that they have been abused by the other parent, without prioritising the best interests of the child (Meier, 2013; Barnett, 2020a).

While proponents of parental alienation present the concept as fact-based, there is a dearth of robust empirical studies to back it up and no reliable data on its prevalence. Parental alienation is presented as gender-neutral, but recent research presents a very different picture (Rhoades, 2002; Barnett, 2020a). Studies from an increasing number of countries have demonstrated the gendered assumptions and myths around mothers and fathers that underlie discourses of parental alienation. Most worryingly, they highlight the increasing use of allegations of parental alienation to obscure and undermine allegations of domestic abuse in child arrangements proceedings (Rhoades, 2002; Meier, 2013; Barnett, 2020a).

In 2018, Women’s Aid Federation England and Queen Mary University of London undertook research on domestic abuse, human rights and the family courts. The research, which focused on the experiences of 72 survivors of domestic abuse and their children, illustrated the ways that gendered, discriminatory and dangerous myths about mothers, fathers and domestic abuse are, at their most extreme, typified in accusations of, and buy-in to the concept of, parental alienation. These new empirical findings on parental alienation and domestic abuse significantly strengthen the evidence base on this area in England.

This article begins with an overview of the development of parental alienation as a concept and discourse in child arrangements proceedings. It then discusses some of the research looking at the links between parental alienation allegations and domestic abuse, before moving on to the empirical findings of our 2018 study.

The development of ‘parental alienation’ as a term

The idea that children’s unwillingness to spend time with one of their parents is pathological and fuelled by the dynamics of parental separation developed in the United States during the 1970s, with researchers using the term ‘alignment’ with one parent or the other (for example, Wallerstein and Kelly, 1976; 1980). In the 1980s, psychiatrist Richard Gardner built on this early work to develop the term ‘parental alienation syndrome’ (PAS) (for example, Gardner, 1987; 1992). Gardner estimated that 90 per cent of children in custody litigation were suffering as a result of this

syndrome, and recommended that affected children be denied maternal contact while they undertook 'de-programming' therapy to change their beliefs that they had been abused. Gardner's theories have since been widely discredited, and rejected as invalid by the scientific community (Kelly and Johnston, 2001). Joan Meier, a leading voice in critiques of Gardner's theories in the US, notes that Gardner's theories came solely from the observations he made in his counselling work with divorcing parents. Meier's work illustrates the ways that Gardner's PAS contained powerful gendered myths and assumptions, developing as 'a "syndrome" whereby vengeful mothers employed child abuse allegations in litigation as a powerful weapon to punish ex-husbands and ensure custody to themselves' (Meier, 2013: 2).

Despite the fact that Gardner's theories are now widely discredited, PAS continues to be invoked in the family courts and in public and media discussions around children's relationships with their parents post-separation. While many have stopped using the term 'syndrome', the ideas behind PAS have been recycled and repositioned in discussions of 'parental alienation', 'alienation', 'implacable hostility' and 'child resistance or refusal' (for example, see Kelly and Johnson, 2001; Judge and Deutsch, 2017).

These reformulated concepts have been critiqued for their weak evidence base; they were largely formulated as a result of clinical observations (Meier, 2013). A recent review of literature and case law on parental alienation in England and Wales noted the dearth of robust empirical studies, with the limited evidence available 'often plagued by issues of poor sampling, or a focus on specific populations, meaning that the generalisability and transferability of the findings is inherently limited' (Doughty, Maxwell and Slater, 2020: 73). The authors also expressed their concerns that the studies identified in their review would 'not be sufficiently robust when appraised against the UK's National Institute for Clinical Excellence evidence-based guidelines checklists or similar criteria' (Doughty, Maxwell and Slater, 2020: 71).

Parental alienation and policy and practice in England and Wales

In England and Wales, parental alienation has received renewed attention in discussions around child arrangements over the past four years. In February 2017, the then Chief Executive of Cafcass (the body representing children in family court cases in England), Anthony Douglas, noted that alienation is 'undoubtedly a form of child abuse in terms of the impact it can have' (Finnigan, 2017).

In the same year, an article was published in *Seen and Heard*, the journal for the Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers. The author of the article states that 'false allegations of abuse, whether intentionally fabricated, a misinterpretation or exaggeration of non-abusive incidents or in some cases, irrational or delusional beliefs, are commonplace where there is dispute over child arrangements, and parental alienation in particular' (Whitcombe, 2017: 4).

In October 2018, Cafcass in England launched a new Child Impact Assessment Framework with accompanying tools for practitioners. This framework is divided into four main sections: domestic abuse; conflict which is harmful to the child; child refusal or resistance; and other forms of harmful parenting. The framework's guidance on child refusal or resistance recognises that: 'the definition of parental alienation as a concept in family court cases, its surrounding terminology and its scale remain

under debate, meaning there is no clear data as to its extent.’ However, it also notes that ‘while there is no one clear single definition, Cafcass recognises alienation as when a child’s resistance/hostility towards one parent is not justified and is the result of psychological manipulation by the other parent’ (Cafcass, 2018: online). In Wales, Cafcass Cymru commissioned a review of research and case law between 2013 and 2018 in England and Wales. The review notes

there is no commonly accepted definition of parental alienation and insufficient scientific substantiation regarding the identification, treatment and long term effects. Without such evidence, the label parental alienation syndrome (PAS) has been likened to a ‘nuclear weapon’ that can be exploited within the adversarial legal system in the battle for child residence. (Doughty, Maxwell and Slater, 2018: 5)

The review points out that there is nothing in published judgments to suggest that parental alienation is rising, and there is no publicly available data – either from Cafcass in England or Wales, or from other agencies concerned with child protection – relating to rates or incidences of parental alienation. The authors conclude, therefore, that ‘the reasons that underlie the apparent revival in 2017 of “parental alienation” as descriptive of some children who are subject to contact disputes are far from clear’ (Doughty et al, 2018: 14).

Parental alienation and the courts in England and Wales

Recent reviews of case law from the family courts in England and Wales echo this ‘revival’ in interest in, and use of, parental alienation as a concept over the last five years (Doughty et al, 2020; Barnett, 2020a). In 2000, the Court of Appeal commissioned a report on the implications of domestic violence for child contact, as part of the case *Re L, V, M and H* [2000] EWCA Civ 194. The report authors, Drs Sturge and Glaser, were asked to address a number of questions arising from the case, including what weight should be placed on parental alienation syndrome in child contact cases. The authors of the report stated that PAS is not a helpful concept; it takes a uni-directional approach, ‘as if such situations are a linear process when they are, in fact, dynamic and interactional with aspects of each parent’s relationship to the other interacting to produce a difficult and stuck situation’ (Sturge and Glaser, 2000: 615). The report led to the rejection of PAS by the senior judiciary (Doughty et al, 2020).

Since 2000, however, and particularly in the last five years, the reformulated concept of parental alienation has gained traction in some parts of the family justice system. Adrienne Barnett’s study of a sample of 40 published cases in England and Wales between 2000 and 2019, in which parental alienation was raised or referred, notes that the four earliest cases, occurring between 2000 and 2002, all involved applications by fathers claiming that their children were victims of parental alienation by their mothers. None of these cases were successful and in the majority, the court was sceptical about parental alienation. However, by 2013, parental alienation was beginning to gather momentum in the case law; 12 cases between January 2017 and April 2019 were identified within Barnett’s sample. In ten of the cases fathers were making the allegations, and in eight cases parental alienation was judged to have occurred (Barnett, 2020a).

Barnett notes that a significant feature of the most recent case law is the increasing number of parental alienation 'experts' instructed in cases. These child psychologists and psychiatrists referred to Gardner's now discredited theories and recommended transfers of residence from mothers to fathers, as well as therapy for 'alienated' children and 'alienating' parents (Barnett, 2020a). These concerns around the use of psychological witnesses in the family courts echo the findings of a study analysing 126 expert psychological reports from family law proceedings. The quality of the reports was extremely variable with two thirds rated 'poor' or 'very poor', and there was evidence of unqualified experts being instructed to provide 'expert' psychological opinion (Ireland, 2012).

While there is no automatic right to contact between a parent and child in England and Wales, section 1(2A) of the Children Act 1989 contains a legal presumption that the involvement of both parents in a child's life will further the child's welfare, unless there is evidence that the involvement of one parent in the child's life would put the child at risk of harm. While this presumption is intended to be rebuttable if risk of harm is demonstrated, academic, legal and practitioner experts in family proceedings have noted that all too often, in practice, the presumption means that contact with both parents is prioritised as the norm and often above safety concerns (Hunter et al, 2020). Even before the presumption was introduced in 2014, case law had established the norm that the involvement of both parents in a child's life will usually further the child's welfare and that compelling reasons must be demonstrated for the court to suspend or not allow contact (Hunter et al, 2020).

Parental alienation and domestic abuse

Feminist scholars and specialist domestic abuse organisations have, for more than a decade, been pointing out the ways that perpetrators of domestic abuse seek to undermine the parenting abilities of non-abusive parents. This can begin with coercive and controlling behaviour to deplete mothers' confidence in their parenting skills and restrict their control over parenting approaches. It can involve efforts to influence the views of professionals involved in child contact processes about mothers' parenting skills, and it can become part of a deliberate strategy of post-separation abuse. At its most extreme, it involves allegations of parental alienation – no matter what terminology is used to describe it – which are used to obscure and undermine allegations of domestic abuse (Radford and Hester, 2006; Harrison, 2008; Meier, 2013; Katz, 2014; Birchall and Choudhry 2018; Birchall 2021).

A pilot study by Meier and Dickson in the US collected and analysed 238 published legal opinions about child contact, abuse and alienation between 2002 and 2013. It found that 82 per cent of the alienation claims analysed were brought by fathers. Fathers were more than twice as likely as mothers to win their case when claiming alienation, and fathers' claims of alienation were far more likely to result in a change of residency than mothers' claims (Meier and Dickson, 2017). Building on these findings, Meier and her team expanded the pilot research. A sample of 4,338 published US cases between 2005 and 2014 involving both alienation and abuse claims were analysed. Analysis of these data is ongoing, but initial results show that when mothers allege domestic violence and/or child abuse, and fathers allege parental alienation, mothers are highly likely to lose residence of their children (Meier, 2020).

Linda Neilson's analysis of 357 Canadian child contact cases in which accusations of parental alienation were involved found that 42 per cent of cases also involved allegations of domestic or child abuse. In 77 per cent of these cases, the parental alienation allegation was made by the alleged perpetrator of domestic or child abuse against the non-abusive parent (Neilson, 2018). Also in Canada, recently published analysis of case decisions where both intimate partner violence (IPV) and parental alienation were alleged concludes that 'judges are more likely to focus on alienating behaviours than IPV when determining custody or access. IPV is rarely condemned or related to children's best interests in the way that alienation is' (Sheehy and Boyd, 2020: 80).

While much of the evidence around theories of parental alienation and their links with domestic abuse has come from the United States and Canada, the concept is increasingly present in discussions and processes around child contact and welfare across continents, and research has recently been published focusing on Spain (Casas Vila, 2020), Italy (Feresin, 2020), Australia (Rhoades, 2002; Rathus, 2020) and New Zealand (Elizabeth, 2020; Mackenzie et al, 2020). Research evidence on the use of parental alienation theories in the family courts is now beginning to emerge in a UK context.

The report produced in 2020 by the Ministry of Justice's expert panel on assessing risk of harm to children and parents in private law proceedings noted that allegations of domestic abuse are increasingly being used by the other parent as evidence of parental alienation, and that 'accusations of parental alienation are often used to threaten and blame victims of domestic abuse who are attempting to protect their children and achieve safer contact arrangements' (Hunter et al, 2020: 43 and 159). In addition, the report highlighted the family courts' failures to listen to children. Evidence submitted to the panel indicated that 'children are only "heard" when they express a wish to have contact' (Hunter et al, 2020: 67).

The authors of the review of research and case law on parental alienation commissioned by Cafcass Cymru noted that 'a number of the reported cases relate to dissatisfied non-resident parents who made unsubstantiated and unproven allegations against the resident parent as a means of contesting the terms of a court order. These claims were more often, but not always, brought by fathers against mothers' (Doughty et al, 2018: 35).

Barnett argues, as part of her analysis of case law in England and Wales, that the fact that the recent increase of reported cases featuring allegations of parental alienation coincides with renewed attention on domestic abuse in the family courts, demonstrates a clear pattern of 'PA being raised in family proceedings in response to concerns about and measures to address domestic abuse' (Barnett, 2020a: 26). Over 50 percent of the cases identified in the analysis as involving allegations of parental alienation also involved domestic abuse allegations. This, Barnett argues, 'cogently reveals PA's intended purpose – to shut down domestic abuse in private family law' (Barnett, 2020a: 25–26).

Parental alienation and gender myths

In addition to the links between allegations of parental alienation and domestic abuse, there is a strong body of research demonstrating the persistence in the family courts of outdated, gendered and discriminatory views about mothers and about

survivors of domestic abuse. Survivors are frequently told they should put their experiences of domestic abuse behind them, and focus instead on the importance of co-parenting and their children having contact with both parents (Coy et al, 2012; Barnett, 2014; Birchall and Choudhry, 2018; Thiara and Harrison, 2016; Barnett, 2020b). This view entirely misunderstands the dynamics of domestic abuse and its harmful impact on children.

A wide range of evidence gathered for the Ministry of Justice expert panel's review identified accusations of 'implacable hostility' or 'parental alienation' in situations where mothers failed to promote or stopped contact due to safety concerns, or where children refused contact and their mother was blamed for this refusal (Hunter et al, 2020: 158).

The contradictory expectations placed upon domestic abuse survivors who are also mothers have been theorised in Hester's 'three planets' model. On the child protection planet, mothers are seen as failing to protect their children from domestic abuse, whereas on the domestic violence planet, these same mothers are recognised as victims of crime and are given support. On the child contact planet meanwhile, the fathers who perpetrated the abuse are seen as 'good enough' parents and mothers are expected to allow and encourage contact between abusive ex-partners and children (Hester, 2011).

When the significance of domestic abuse is minimised, and women's reports of abuse are not believed, this can become, in the family law arena, 'mother blaming'; where women are accused of deliberately obstructing contact between children and their fathers (Harrison, 2008). In fact, analyses of court files prove that gendered myths such as these do not stand up to scrutiny. One study that analysed a national sample of 205 enforcement applications made in England during two months in 2012 found that cases of 'implacable hostility' made up a very small minority, whereas a third of cases in the sample involved domestic violence or child abuse (Trinder et al, 2013). Another analysis of 100 court files involving an enforcement application found that only two cases fit the 'no-contact mother' stereotype, and the most frequently cited concern about contact arrangements related to domestic violence (cited in more than half of the cases) (Rhoades, 2002). Those with both academic and practitioner expertise on domestic abuse, such as Evan Stark, have demonstrated that false allegations of abuse are far rarer than false denials, but in the family courts there is a growing propensity to 'view abuse allegations as tactical manoeuvres rather than as factual claims' (Stark, 2009: 287).

Researchers have also discussed the rise of discourses around shared, equal and co-parenting and the accompanying rise in the influence of fathers' rights groups. Helen Rhoades argues that new laws and policies promoting shared parenting aim to enfranchise men as fathers, and owe their existence 'to the anecdotes of disaffected men, rather than evidence about children's welfare' (Rhoades, 2002: 71). Barnett argues that 'to be a "good", non-alienating mother, women must not only permit, facilitate and encourage contact, they must be "enthusiastic" and self-denying, whatever the behaviour of the father might be' (Barnett, 2020a: 27).

At the same time, discourses around both parental alienation and co-parenting do not take into account the gender dynamics of parenting and the fact that mothers are much more likely to be a child's primary carer (ONS, 2019). The child's perceived 'alignment' to the mother is – contrary to discourses of alienation which see the attachment as orchestrated by the mother – often formed because she has done the daily work of

caring, feeding and nurturing. The child finds safety in the primary carer's constancy, reliability and unconditional love, as opposed, in cases of domestic abuse, to the unpredictability and unreliability of the abusive parent (McDermott, 2019).

Barnett's recent analysis notes how unhelpful and reductive the concept of parental alienation and the gender myths within it are. She argues that

raising PA dominates cases to the exclusion of all else. The complex and complicated lives, emotions and circumstances of the mothers, fathers and children who come before the family courts are reduced to stark binaries of good and bad, deserving and undeserving, excluding many other ways of explaining parents' and children's views and behaviour. (Barnett, 2020a: 26)

It is clear that in England and Wales, as well as in a number of other countries, ideas about parental alienation are being articulated in ways that do not recognise the construction of parental alienation as inherently gendered, and as intertwined with domestic abuse. The next section illustrates this point, presenting new empirical findings from research conducted by Women's Aid Federation England and Queen Mary University of London.

Empirical findings: parental alienation and domestic abuse in family courts in England

Background to the study

In 2018, Women's Aid Federation England and Queen Mary University of London conducted an exploratory study analysing the experiences of women survivors of domestic abuse in family courts in England. The focus of the study was to provide an analysis of whether and how a human rights framework is being employed in relation to the experiences of women survivors of domestic abuse and their children in the family courts. We did not specifically set out to focus on allegations of parental alienation, but this emerged as a major theme in the data.

Data was collected using quantitative and qualitative methods: an online survey of 20 closed and open-ended questions, disseminated through Women's Aid's Survivors' Forum and network of member domestic abuse services; two focus group discussions with survivors; and individual telephone interviews with survivors who could not attend a focus group. The focus groups and interviews were designed to build upon, and explore in greater depth, the findings emerging from the survey. Survey data was analysed using the online Survey Monkey options, and focus group and interview data was analysed and coded manually.

Sixty-three women completed the survey, nine women took part in focus groups, and nine were interviewed. In total 72 women were involved in the research (as some took part in two of the activities). The women represented a range of age groups and socioeconomic backgrounds. The majority were from white British ethnic backgrounds. In order to take part, research participants needed to be women survivors of domestic abuse who had experiences of the family courts in the last five years, and whose cases were complete.

There were particular ethical considerations and risks to be addressed in relation to the research. These included: confidentiality and anonymity; obtaining informed

consent; risks of disclosure of details about current court proceedings; and risks of disclosure of harm to a child or vulnerable adult. A comprehensive ethics strategy was put into place and ethical approval was obtained from the Ethics Committee at Queen Mary University of London.

The limitations of the data are that it comes from a self-selecting group of 72 women. Findings relate to the experiences of these 72 women, and we do not claim to represent the experiences of all survivors of domestic abuse in the family courts. Further research is needed to investigate the experiences of diverse groups of women; for example disabled and black and minoritised women. However, our findings echo those of a broad body of research spanning the last decade which demonstrate the systemic failings of the family courts in cases involving domestic abuse (for example: [Coy et al, 2012](#); [Hunter and Barnett, 2013](#); [Barnett, 2014](#); [Thiara and Harrison, 2016](#); [Women's Aid, 2016](#)). The findings were so disturbing that they merit research and investigation on a wider scale. Examples of the links between gender myths about mothers and fathers, allegations of parental alienation and domestic abuse emerged in several ways. These are discussed later.

Experiences of allegations of parental alienation

While investigating the prevalence of allegations of parental alienation made towards survivors of domestic abuse in the family courts was not the initial focus of our study, this area emerged as a major finding from the survey, focus groups and interviews. The majority of women taking part in the study were aware of the existence of theories around parental alienation, and some had been accused of alienating behaviour, intractable hostility or emotional abuse of their children after they raised domestic abuse as part of their child contact case, or withheld contact between their child and a perpetrator of domestic abuse. This was discussed in more detail during focus groups and interviews. The women's testimonies highlighted the earlier discussed differences between the 'three planets' of domestic abuse ([Hester, 2011](#)):

'It got to the point where he got charged by the police and I was told to withdraw access. But [in court] everything was turned around against me, and basically I was told by my barrister that if I did not accept the judgement and agree that I had emotionally abused my children by withdrawing access, then my children would be taken off me.' (focus group participant)

Even if they had not been explicitly accused of parental alienation, all of the women taking part in our focus groups and interviews felt at risk of allegations being directed at them. They said they felt pressured to play a role that they did not believe in, encouraging their children to take part in contact visits that they did not feel were safe:

'I was told that if I didn't make it clear – they never used these exact words – but if I didn't force my child into that room with him [...] that they could change residency and make her live with her father.' (interview participant)

'You have to come across as wanting to promote contact. I mean obviously in an ideal world I would want my daughter to have a relationship with her father. But in an ideal world we wouldn't be at court because her father

wouldn't be an abusive person. So I would go in and I would say that "yes I want her to have a relationship with him, but I want it to be a healthy, positive happy relationship and I want it to be led by her". That's what I would have to say. Because if I turned round and said, "I don't want her to have a relationship with him, she's tried for the last [number] of years and it's damaging her", well you can't say that as they'd say you were being negative, manipulative, being a bad parent.' (interview participant)

How were the allegations of parental alienation made and supported?

Echoing the body of academic and empirical work discussed earlier, participants described the ways that their former partners, or the legal professionals representing them, used allegations of alienating behaviour as a way to rebut allegations of domestic or child abuse:

'He denied the allegations and he claimed I was manipulative, bitter. He said it was parental alienation. He used the term a lot – he's a clever man, he knew what to say, how to act.' (focus group participant)

'If you're a solicitor representing a father, it's so easy, you can just use that [...] The whole thing of not believing mothers and then using the abuse as a symptom of this so-called syndrome, it's all come from that I think.' (interview participant)

For several of the women in the study, expert witnesses had been recruited by the abusive parent's legal team, and the testimonies of these witnesses used to argue that the non-abusive parent was displaying alienating behaviours. The women reported a range of concerns about the witnesses who had been chosen and allowed to present their findings in court:

'An "expert witness" was chosen by my ex's solicitor. I later found out he says mothers have "false beliefs" in all these cases, and runs workshops on "parental alienation syndrome". On reading about this I realised this was the tactic used against me and is a Catch 22 I had no chance to defend against.' (survey respondent)

'My ex paid an expert £6,000. He attended a seminar on parental alienation syndrome and how to prove it. The experts on parental alienation that the courts are using are not approved by psychology boards, and they are making recommendations that children are put into therapy to be realigned and reprogrammed so they don't believe the abuse ever happened.' (interview participant)

Research participants reported an often unquestioning acceptance of and buy-in to theories of parental alienation from the professionals they encountered during their family court cases. The unfortunate consequences of this are that the commonly believed 'signs' of alienating behaviour and alienation (for example a mother withdrawing contact between child and father, or a child refusing or resisting contact with their father) can be easily confused with justifiable behaviour used

by survivors of domestic abuse to protect their children from harm, and behaviour exhibited by children who have a justifiable reason for not wanting to see a parent who is abusive:

'Social services did their best but now everyone is fully on board with the parental alienation syndrome and the problem with this is that all the symptoms of a child being abused are mirrored in the fake science of PAS.' (focus group participant)

'They kept saying "there's a blockage with the relationship between father and child and we want to remove the blockage" and they just didn't acknowledge that the child was saying "no I don't want to see my father". Never once did they say "hang on a minute, from the age of [number], this child has told us she doesn't want to see her father. Hang on a minute, there's something not right here".' (interview participant)

Parental alienation as a manifestation of gender discrimination

There is a strong body of evidence highlighting the gender inequalities and oppressive constructions of masculinity and femininity that lie behind domestic abuse (for example: [Hester, 2013](#); [Dobash and Dobash, 2004](#); [Myhill, 2015](#); [Hester et al, 2017](#); [Walby and Towers, 2018](#)). Participants' stories demonstrate how the environment and culture of the family court and the processes around it reinforce these inequalities and constructions. They illustrate the gendered beliefs, stereotypes and myths about domestic abuse that can be held by professionals involved in child arrangements processes, echoing the myths discussed earlier about 'selfish' or 'obstructive' mothers and 'victimised' fathers:

'The female judge would quite openly say "oh yes mums do manipulate children, mums do turn children against fathers. Unfortunately that's what happens because they are the parents they live with".' (interview participant)

'When a mother goes to court, you have to come across very calm, you can't show emotion, you can't get upset. If you get upset, well you're unstable, and you're not healthy for the child [...] But if the father goes in and shows emotion, the judge will say "well he's hurting, of course he's like this, he's hurting, he's not seeing his child".' (interview participant)

Despite evidence to show that survivors of domestic abuse often go to great lengths to promote safe contact for their children, and that 'implacable hostility' is only a factor in a minority of cases ([Hunt and McLeod, 2008](#); [Thiara and Gill, 2012](#); [Trinder et al, 2013](#); [Morrison, 2015](#); [Thiara and Harrison, 2016](#)), participants' testimonies demonstrated the ways that mothers who are also survivors of domestic abuse can be positioned as overprotective, unable to put the past behind them, and blocking contact between child and parent for no good reason:

'They seemed to think "maybe he abused the mum, but that's separate"...
'Mum, put that behind you, you're not with him now, support your child to see their father".' (interview participant)

‘It was like “oh here’s another woman trying to stop the father from seeing the child and punishing him”. I wasn’t interested in punishing him. I was interested in keeping me and my child safe.’ (interview participant)

For some of the research participants, this view had gone one step further, with the stereotype of the obstructive, hostile and vengeful mother morphing into that of the mentally unstable, paranoid, emotionally abusive mother. This was a trope frequently used as part of allegations of parental alienation by abusive parents and their legal representatives in order to break down and discredit the survivor:

‘I was told I was crazy, that’s what they come at you with, that you’re crazy. When you say it out loud it sounds like you’re paranoid [...] that everyone’s against you [...] No, I’m not paranoid, I was not paranoid. Real evidence was just turned away, time and time again [...] I was seen as an alienating mother, when in fact, he alienated me from the child, and that child ended up paying the price.’ (interview participant)

The impact of parental alienation allegations

Participants in the study who had experienced allegations of parental alienation found that the scales were heavily weighted against them. The prevalence of financial abuse in relationships where there is domestic abuse (Howard and Skipp, 2015; Women’s Aid, 2019) means that many survivors start the family court process in a position of disadvantage, with perpetrators much more likely to be able to pay for legal representation, and to commission expert psychological witnesses. When this is added to allegations of parental alienation that obscure evidence of domestic and child abuse, survivors are left facing a clear imbalance of power in the family courts:

‘The perpetrator used parent alienation syndrome (Richard Gardner theories) throughout the case to gain residency. He paid for top barristers and I was poorly represented on legal aid, often with no consultation or position statements, no access to solicitor or barrister except for bare minimum. [It was] the most traumatic experience of mine and my children’s lives.’ (survey respondent)

Some of the women in the study paid the ultimate price for raising the domestic abuse they had experienced and insisting that their children should be kept safe. Over a third of the women taking part in our focus groups and interviews had had their children removed to the perpetrator as a result of parental alienation allegations.

‘I was punished for telling the truth. I was punished for trying to follow procedure. My ex used the court to bully and further abuse me and now holds my son captive, telling him that I don’t want to see him. He tells all of our former friends that I have severe mental health problems and abandoned my child.’ (survey respondent)

‘He got quite intensive contact and they didn’t want to go. So they didn’t go and there was an emergency hearing [...] I had to force them to get in

the car and go back with him and after that I never saw them for months. He got residence and they never came back. They were over a hundred miles away.' (interview participant)

One of the glaring problems and dangers of discourses around alienation is that the child's wishes and voice are not heard or believed, as it is assumed that the 'alienating' parent has prevented the child from telling the truth. Participants described the devastating impacts felt by their children as a result of the parental alienation allegations:

'After lengthy child proceedings in the family court, I lost any meaningful access to my child. I never felt, from the outset, that we had equal rights or an equal voice. It felt very biased towards the rights of the father from the beginning, and I was seen as an alienating mother. Now, after [number] years and serious suicide attempts, my daughter is back with me, and she sees very little of her father. She doesn't trust authority, she doesn't trust the system. When I ask her why not she says "because they didn't help me before, they didn't listen to me before." She's with me but she's broken, and the system did that to her.' (interview participant)

'When they interviewed my children, they said that their sentence construction was too advanced and therefore they must have been coached. They both spoke from the heart and told the truth about the long history of domestic abuse, and it was totally disregarded. How can that be allowed?' (interview participant)

Despite recognising the dangers of being further labelled as an alienating parent or as 'implacably hostile', some of the participants in the study were determined to continue raising their concerns:

'In the end I was saying to Cafcass – they said "if you admit that you told lies about him being violent, then we'll see there's some attrition, you're taking some responsibility" and I said "look, I'm an intelligent woman, it's clear to you and me that I know what to say to play the game and get access to my child. The fact that I will not play it should speak volumes". But they didn't want to know. They wanted me to play the game and say "look, I messed it all up, I'm really sorry, I was trying to alienate my child".' (interview participant)

For many of the women in the sample however, the threat of parental alienation allegations being raised against them served as a barrier to fully voicing their concerns about the impact that domestic abuse had had on their children and whether contact between their children and their abusive ex-partner was safe. These women described the impossible balance they were trying to achieve between holding on to their children and keeping them children safe:

'You can't defend them, because you're in danger of losing residence. At least it's only part time abuse. It's normalising abuse. The child has got to put up with it.' (interview participant)

Discussion

Our research echoes the findings of a growing body of studies in other countries. It demonstrates how unpacking discourses around parental alienation reveals a concept lacking in evidence to back it up. It also reveals a concept propped up by gender discrimination and a dangerous lack of understanding among family court professionals about the dynamics of domestic abuse and the impact of this abuse on children.

The majority of women taking part in our study were aware of the existence of theories around parental alienation, and the gendered, discriminatory pitfalls these theories present for mothers. Some of the women had been accused of alienating behaviour, intractable hostility or emotional abuse of their children after they raised domestic abuse as part of their child contact case, or withheld contact between their child and a perpetrator of domestic abuse. Even if they had not been explicitly accused of alienation, women felt at risk of allegations being directed at them. As mothers, and their child or children's only safe parent, they felt pressured to play a devastating and traumatic role in encouraging their children to take part in contact visits that they did not feel were safe.

As our research and the studies discussed earlier show, if women refuse to play this role, the consequences can be severe. Over a third of the women taking part in our focus groups and interviews had had their child or children removed to the perpetrator as a result of parental alienation allegations. As Meier and Dickson point out: 'the risk to any mother in family court of losing custody (if the father claims alienation) may be far worse than is well known' (Meier and Dickson, 2017: 331).

It is clear that theories of parental alienation, no matter how they are packaged or theorised, cannot be accepted without recognition of the ways they are loaded with harmful gendered ideas about mothers, fathers and domestic abuse survivors. Such theories should not be considered without analysis of the impact they have on survivors of domestic abuse and their children. Before accepting 'alienation' as a theory, syndrome, or set of behaviours, all professionals involved in making decisions about child contact should be aware of the dangerous situations that occur when domestic abuse allegations are met with those of parental alienation.

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Conflict of interest

The authors declare that there is no conflict of interest.

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