

## Destructive Divorce in the Family Life Cycle and its Implications: Criticisms of Parental Alienation

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**ABSTRACT** - Some difficulties may arise during the divorce process, taking the family into “destructive divorce”. In such cases, some authors can see the rising of Parental Alienation (PA). This article aims to criticize PA, reflecting about the Family Life Cycle and divorce. Regarding this, a qualitative study was conducted with legal actors (judges, prosecutors, psychologists, social workers, lawyers) on the issues of divorce and PA and the results were built using the conceptions of Zones of Sense by Gonzalez Rey. The summary results are: (a) PA does not contextualize the conflict; (b) it does not consider the history of the relationships; (c) it pathologizes, medicates and criminalizes the phenomena of post-divorce and (d) PA underestimates the child in the conflict.

**Keywords:** parental alienation, divorce, family life course, custody case

## O Divórcio Destrutivo Inscrito no Ciclo de Vida Familiar e suas Implicações: Críticas à Alienação Parental

**RESUMO** - Algumas dificuldades podem surgir durante o processo de divórcio, levando a família ao “divórcio destrutivo”. Nesses casos, alguns autores compreendem o surgimento da Alienação Parental (PA). Este artigo tem como objetivo criticar a PA, refletindo sobre o Ciclo Vital da Família e divórcio. A esse respeito, um estudo qualitativo foi realizado com atores legais (juízes, promotores, psicólogos, assistentes sociais, advogados) sobre as questões do divórcio e PA, e os resultados foram construídos com as concepções de Zonas de Sentido de Gonzalez Rey. O resumo dos resultados é: (a) PA não contextualiza o conflito; (b) não considera a história das relações; (c) patologiza, medica e criminaliza os fenômenos do pós-divórcio e (d) PA subestima a criança no conflito.

**Palavras-chave:** alienação parental, divórcio, ciclo de vida familiar, disputa de guarda

Western society has seen a steady increase in the number of divorces (Santos & Fonseca, 2003). The advent of the feminist movement in the second half of the twentieth century led to a series of discussions and redefinitions of relations between men and women, as well as in family structures. The legalization of divorce in Brazil with the passing of Law No. 6.515 in 1977 is one of the results of these discussions.

According to statistics from the Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística [IBGE]), there has been a significant increase in divorce rates in Brazil over the last three years. This increase was more prominent between 2010 and 2011 when divorce rates were the highest they had been since 1984; the year in which IBGE began collecting these statistics (IBGE, 2010a, 2010b, 2011). This increase is attributed to the July 2010 change in legislation, approved by the Constitutional Amendment, which led to the simplification of divorce

proceedings; even allowing some of them to be signed in notary publics.

Consequently, divorce and child custody cases have overwhelmed family courts across the country in recent years. A marital separation or divorce (both synonymous in this study) is an event in the Family Life Cycle which brings about significant changes in parent/children relationships, as well as between just the parents themselves (Carter & McGoldrick, 2001; Ribeiro, 2010).

Divorce can also represent the legalization of a disagreement between a couple, as well as lead to a restructuring of the domestic structure and parent/children interaction. This situation can generate feelings of anxiety and uncertainty in all family members and therefore threaten their personal stability, causing changes in the family dynamics as a whole (Schabbel, 2005).

The quality of the relationship between parents and their children, as well as looking out for their best interests, is intrinsically linked to the type of relationship and communication those parents have after divorce. In many cases, unresolved or poorly resolved marital issues filter down and affect the post-marital communication and

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relationship, which leads towards a lack of mutual respect, but often damages the physical and mental well-being of the children. Therefore, divorce and child custody are events which have a profound impact upon a family system (Schabbel, 2005).

In this tortuous context, Richard Gardner proposes the existence of a dynamic (he called it Parental Alienation) which would be a deliberate and malicious attempt by one parent to turn the child against the other parent, effectively alienating the parent from the child. According to Barbosa and Juras (2010), the term Parental Alienation (PA) and its applications to marital separation and child custody cases has been used by the Brazilian legal system even though still lacking any proper scientific credentials.

### **Marital Separation as Part of the Family Life Cycle**

The Family Life Cycle stages are expected evolutionary phases of the family's development and its members' throughout their history. However, these stages do not constitute a strict and divisive process. On the contrary, they are dynamic, constantly changing, and always applied to each family's social and historical context. Although not a linear process, the stages of the Family Life Cycle establish a linear time frame (Carter & McGoldrick, 2001).

Theorization of the Family Life Cycle integrates individual development and family development together, intertwining interrelations, interactions, and mutual agreements which generate feelings and meanings on individual and collective levels; all instrumental to the development and existence of each family member. One way of perceiving and understanding the family and its processes is through its Life Cycle and the stages that constitute its development.

Carter and McGoldrick (2001) identified six common family development stages, they are: (a) leaving home: young adults; (b) the joining of families through marriage - the couple; (c) becoming parents - the family with young children; (d) the transformation of the family system in adolescence; (e) families in midlife - launching children and moving on; and (f) the family in later life (pp. 15-22).

Each of these stages represents a challenge for the family system as it brings about changes and movements that require the family to restructure and redefine their plans and relational patterns to deal with the "new challenge ahead". Therefore, the transposition of the stages in the cycle is seen as a time of crisis. Not coincidentally, almost the entire theory about the processes of the Life Cycle is based on the idea that overcoming the stages is a time of crisis (Cerneny & Berthoud, 1997). The family then needs to restructure and focus their efforts on overcoming the crisis this change brings, in order to continue developing and preserving the well-being of its members.

It is worth mentioning here that the stages presented by Carter and McGoldrick (2001) represent the expected route and normative transformations a family must go through - yet, not all possible phases are represented. There are other possible developmental stages within a family, one of which is divorce.

Divorce is a shift from a family's traditional development cycle which produces an imbalance within the family (as all stages of the Family Life Cycle do) associated to changes, gains, and losses for the family group as a whole (Carter & McGoldrick, 2001). As with other phases of the cycle, divorce requires that the former couple put efforts towards accepting and adapting to a new relational status. This involves emotional tasks for all family members in order to continue its development (Carter & McGoldrick, 2001).

The difficulties the family system presents in overcoming a developmental crisis might lead to the dissolution of family bonds. These difficulties are expressed in the inability to mourn and to emotionally accept the divorce, as well as recognizing and accepting that change is imminent and inevitable, and in some cases even necessary, towards maintaining the mental health of all family members.

This idea of divorce as a change in family life is consistent with the understanding that divorce is part of the Family Life Cycle, which requires adaptation and mourning on the part of the spouses (Lima & Campos, 2003). If this does not occur, it tends to lead to more conflicts and lawsuits, making for a more traumatic and painful divorce process than it could be, ultimately leading the family towards a situation of destructive divorce.

### **Destructive Divorce**

Destructive divorce can be described as a situation in which the former couple, after the dissolution of the marriage, starts to present a pattern of conflicting interactions and communication. This is because the couple is still not able to emotionally overcome the divorce, and they keep arguing and fighting even after separation (Juras & Costa, 2011). That is why this type of divorce can produce great amounts of discord and expressions of violence (Costa, Penso, Legnani, & Sudbrack, 2009) which establish instability in the family system and often negatively affect the children.

In this type of divorce, the former couple does not recognize their responsibilities in the conflict. This can lead both sides to laying blame and looking for allies (Juras & Costa, 2011). It can also lead to interactions impaired by marital resentments, by anger and frustration, and by the search for power. This is not conducive to just the development of the family going through a destructive divorce. It destroys and deteriorates family relationships, their mental health, and especially the welfare and interests of children who are often triangulated and/or parentalized in parental conflicts.

Juras and Costa (2011) describe triangulation in situations where there is an increase in stress between couples which reaches an unbearable level of anxiety. At this point, the child becomes triangulated in the relationship in an attempt to reduce tension between the parents. These same authors also state that maintaining this pattern of communication can significantly damage the psychosocial development of family members, especially children. Parentification refers to a child's behavior or illusion of taking on a parental role which may hinder the child's future development (Boszormenyi-Nagy & Spark, 2008). These forms of interaction are

established when the former couple see themselves as being unable to resolve marital disappointments and frustrations that the end of a loving relationship presents and, consequently, favor the conflict instead of the welfare of their children (Lima & Campos, 2003).

Not knowing how to separate marital issues from parental ones and, consequently, not concerning themselves with the welfare of their children, these parents start competing in a power struggle with the child as the trophy. This is why some custody battles are considered extremely harmful when parents use their efforts to search for greater power (Mendes, 2013).

Destructive divorce is defined by the difficulties of former couples who are tangled or mired in the pains and frustrations of a marital relationship, even before the separation. This situation leaves these parents blind; they can't see the children in the context of the dispute as they end up only focusing on their own interests. Some parents even use the children to prolong a dispute which represents a dysfunctional way of reaching the "psychic divorce".

### **Parental Alienation: Concept and Prerequisites**

Over the past five years, PA has garnered space and strength in Brazil. Proof of this is in the passing of Law No. 12,318, on August 26, 2010, which offers provisions on PA in child custody cases.

Richard A. Gardner conceptualizes PA as a disorder that arises primarily in child custody battles. Its first demonstration was a libel case one parent launched over the other. This case was unjustified as it aimed to distance the child from the other parent (Gardner, 2001a, 2001a, 2002a, 2002b, 2002d). Thus, PA arises as a result of a combination of indoctrinations, mind programming – brainwashing – by the mother in order to defame the non-custodial father (Gardner, 2001a).

According to Gardner (2002d), there are three types of PA: mild, moderate, and severe. In the mild type, alienation is relatively superficial; the custodial parent still allows and cooperates with visitation rights, but periodically criticizes and shows discontent for the non-custodial parent. In the moderate type, the alienation is more advanced; the children are more disturbed, and continually disrespectful towards the non-custodial parent. In the severe type, visitations may be impossible due to the child's extreme hostility; hostility which can manifest itself to the point of physical violence toward the alienated parent.

Fonseca (2006) and Turkat (2002) state that there is a differentiation between PA and Parental Alienation Syndrome (PAS). The former is the estrangement of the child from one of the parents, carried out by the other. The latter would be emotional and behavioral consequences instilled by the reestablishment of PA, which the child will suffer from.

The use of PA by disputing parties as leverage in child custody battles has greatly increased in family courts. Legal practitioners and professionals have also used this term and its concepts to conduct their practices and to factor in on their decision making processes. These practices, including the literature, lack scientific credentials (Mendes, 2013).

Recent literature on the subject mostly corroborates the ideas and precepts of PA in accordance with Gardner. There is extensive literature on PA, especially in English. In Brazil, literature on the subject (Fonseca, 2006; Mazini, 2011; Oliveira, 2011; Milani, Santos, & Volpato, 2011; Santos Júnior & Melo, 2011; Neves & Bordignon, 2011; Oliveira & Baker, 2011; Pinho, 2012) also tends to support Gardner's concepts.

Brazilian literature on PA contributes little towards reflecting and thinking critically about its concepts and use. Sousa (2010) conducted a systematic review of literature on the topic and found that there are no national contributions to PA from scientific studies committed to accuracy and validity of information and knowledge. Of the national authors who have contributed to a critical analysis of PA, we would like to highlight the work of Barbosa and Juras (2010), Sousa (2010), Barbosa & Castro (2013), Mendes (2013) and Coelho (2013).

Criticism of PA theories has come from the contributions of some foreign authors (Bruch, 2001; Carrey, 2011; King, 2002; Kelly & Johnston, 2001; Moses & Townsend, 2011; Pepiton, Alvis, Allen, & Logid, 2012; Ziogiannis, 2001). One of the criticisms these authors make is that most studies on PA and PAS, including Gardner, do not have an accurate and reliable scientific methodology in order to validate their assumptions and hypotheses – like structuring of theoretical framework and experimental models with statistical significance, construct validity and quality of results in relation to their internal and external validity and also evaluation by blind pairs. Moreover, they also question the publications of Gardner; most are self-publications on his website and published through his own publishing company. These publications were not subjected to peer review. These studies also show a repetitive pattern of information on PA. Furthermore, Pepiton et al. (2012) and Moses & Townsend (2011) shows that there is a lack of sufficient scientific evidence to support the hypotheses of PA as the concept is flawed in its methodological dimensions and the use of statistical procedures.

Taking all these issues into consideration, this article presents results, reflections, and considerations based on research conducted as part of a Master's Degree. The goal is to build a critical analysis of the phenomenon of destructive divorce in the Family Life Cycle and the hypotheses of PA.

### **Method**

This is a Qualitative Perspective study based on a methodological design with exploratory and descriptive characteristics.

### **Participants**

This study relied on the participation of two judges, two prosecutors, two psychologists, two social workers, one public attorney and two private attorneys. The social workers and psychologists work at the Psychosocial Judicial Department (SEPSI) for the Judiciary Court of the Federal

District and Territories (TJDFT). Inclusion criteria were: (a) act in Family Courts regarding children custody dispute cases; (b) have at least an experience of one year in this context. Regarding judges and prosecutors, the respondent should be the holder and could not be a substitute. Some of the participants worked in Brasilia and others worked in some Administrative Regions of the Federal District.

### **Instruments**

The instrument used for data collection was one influenced by the conceptions of the conversation process proposed by González Rey (2005, 2000, 2011), and mediated by the photo-elicitation technique. The conversations process recognizes and allows for successive interactions with the research participants. In such cases, there is no need to plan out the conversations beforehand, but general topics may be introduced by the researcher in order to stimulate participants' reflections. The information needed for research and increasing knowledge on the dynamic is acquired out of these reflections and this conversational process.

The technique of photo-elicitation was developed in the 1950s by American photographer and researcher John Collier. This technique basically consists of using pictures/images in the research interview to invoke (elicit) comments, memories, and discussions during a semi-structured interview (Harper, 2002; Parker, 2009). Harper (2002) advocates the use of this technique as an important method for obtaining more complex information about what is being researched.

The images of the instrument represented a sequence or a continuum; a complete and interconnected sequence of 12 images representing the Family Life Cycle, divorce and the family passage into the Court. This complete sequence was constituted as a story. After every image displayed, the respondent was asked to say what they could see, what was happening, what those people were doing, thinking or feeling in the scene depicted by the image.

The idea was that the participants would express their perceptions and perspectives of the images presented to them. Based on this sequence of images, the participant is encouraged to then elaborate on their thoughts, ideas, and values of that particular theme and the families it relates to. The intention was to bring the view and involvement of the legal actors closer to that of the families in child custody battles where PA is being used. The sequence of images references the stages of a family and their path through the Justice System.

### **Procedures**

Implementation of the aforementioned instrument began after approval from the Research Ethics Committee (CEP) – CAAE 08273712.1.0000.5540. Meetings with the participants took place in the family courts where judges preside, in the Family Prosecution Offices with the prosecutors and with public and private attorneys, and also with psychologists and social workers at SEPSI/TJDFT - Psychosocial Secretariat of the Court of Justice of the Federal

District. An information letter was sent to all participants with a Statement of Free and Informed Consent (TCLE) attached. Only after completion of the TCLE were the conversations with the research participants conducted and recorded.

### **Data Analysis**

Analysis was done on the constructive-interpretative perspective proposed by González Rey (2005, 2000, 2011). A process was constructed through the use of word clouds, ultimately forming the Zone of Sense.

The basis of constructive-interpretative analysis consists of reflective processes that integrate with and separate from one another over the course of theory production, and seep over into the induction and deduction processes (González Rey, 2005, 2000, 2011). This information-building route starts from the establishment of indicators up to the development of a Zone of Sense (González Rey, 2005, 2000, 2011).

The dialogic and hypothetical construction of these indicators allows for the construction of information and the emergence of sense nuclei. These sense nuclei are not built on a solid base and are not recognized by the most frequent points, but rather by what is more meaningful to the subject (González Rey, 2005, 2011). These nuclei contain subjective senses which cannot yet be represented as complex subjective configurations (González Rey, 2005).

The formation of word clouds was used in this research as a complementary technique for indicators leading to sense nuclei and Zones of Senses. This instrument is a graphic representation of the most important words in a text (McNaught & Lam, 2010), in other words, the words that represent the major senses and meanings found in a text. In order to do this, the most frequent terms in any given text are highlighted in the word clouds. The more frequent (or important) the word is, the more relevant it is in relation to the other words within the cloud. The programs that perform this analysis and transfer the results into a graphic representation exclude "common words" in the language such as grammatical words (linking verbs, conjunctions etc.) and infrequent words, called stopwords.

We used the open online software Wordle ([www.wordle.net](http://www.wordle.net)) to generate the word clouds for the qualitative research studies. The word clouds can be a particularly useful tool for qualitative and/or thematic analysis of spoken, written, and transcribed texts (McNaught & Lam, 2010).

## **Results and Discussion**

The results are based on the perceptions and reflections the participants have about divorce, its consequences, and PA. All the participants (the judge, prosecutor, psychologist, social worker, lawyer, and public defender) will be referred to as legal actors throughout the presentation and discussion of the results.

The results and discussion will be presented in two parts. The first brings the ideas of legal actors about divorce, through the word clouds. The second presents the senses zone about parental alienation.

## The Impact of Divorce in the Family

One of the instrument's images represented a couple's separation. This image was a wedding day photo which had been torn in half. Figure 1 shows the legal actors' representations and their constructions of the marital separation and how the family coped with it.

Figure 1 shows a word cloud with the most significant ideas of the legal actors. In general, legal actors perceive divorce and/or separation as a very difficult time for the family. The couple experiences a sense of frustration, failure,

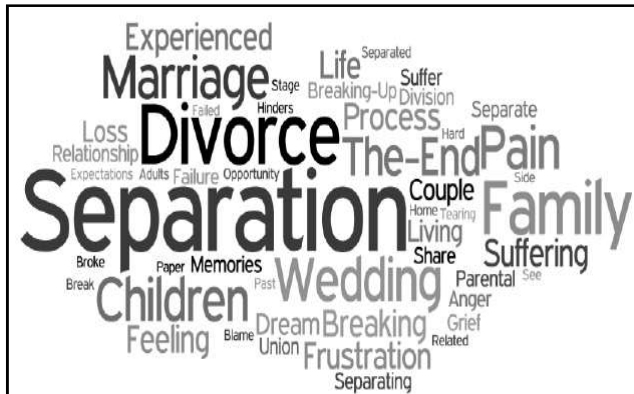


Figure 1. Word cloud showing the legal actors' perceptions of the marital separation and its impact in the family

pain, and suffering. It is a breakup or a split that to some extent indicates the end of plans and dreams, sometimes even the end of the family.

All these problems identified by the participants indicate the inherent difficulty of dealing with breakdowns, break-ups, and changes in the family life cycle. These difficulties can translate into ineffective forms of coping which may further aggravate conflicts, anxiety, distress, and suffering within the entire family system. The combination of all these characteristics can lead to destructive divorce.

Destructive divorce is identified by conflict and belligerence. Communication and interactions between the former couple is tainted by fights, disagreements, and conflicts in general. The former spouses fail to recognize their shared contributions to the conflict, which tends to lead them towards looking for someone to blame for the divorce and looking for allies to side with them (Juras & Costa, 2011). The interactions are impaired by marital resentments, by anger and frustration, and by the search for power. Destructive divorce destroys and erodes family relationships and the mental health of its members. This happens because the former couple sees themselves as being unable to resolve marital issues of disappointment and frustrations that the end of a loving relationship present and, consequently, favor conflict instead of the welfare of their children (Lima & Campos, 2003).

All these difficulties lead the family, particularly the couple, through the stages of separation. The quality of family interactions will generally depend on how the former couple copes with and understands these stages. The greatest impact will be on maternal-paternal-filial relationships and co-parental relations.

There are various dimensions of breakups and each one of them brings forth specific challenges and tasks for the former couple. This is reflected in the legal actors' perceptions of divorce/separation: pain, suffering, breakups, frustrations, stages, and disputes.

In a second image, there is one parent on either side of a child, whispering something in the child's ear. This situation indicated favoritism and triangulation which occur within the family while they are going through post-divorce. Figure 2 shows a word cloud referencing this image and eliciting the participants' constructions and meanings about the parental couple's efforts at triangulating the child and causing the child to choose sides during the parental conflict. The five most representative words, in a decreasing order are: child, mother, father, parental alienation and suffering.

Legal actors viewed the triangulation and favoritism as one parent attempting to discredit the other; a discrediting where the main focus is actually the child being used in this



Figure 2. Word cloud showing the constructions and meanings that participants have about the parental couple's efforts at triangulating the child or causing the child to choose sides

game. They showed that the child suffers from feelings of confusion and distress. Only one participant stated she had not seen evidence of PA in this and/or any other images presented. The judges, prosecutor, and defense attorneys clearly and objectively indicated that the image was representative of PA. The other group (comprised of the second promoter, forensic psychologists and social workers) just pointed out that some people might interpret the situation as PA.

Triangulation arises in situations in which parental tensions increase and reach such an unbearable level of anxiety that the children systematically triangulate themselves in the conflict in order to reduce the tension. In some cases, even though triangulation emerges as a self-regulating mechanism aimed at decreasing the levels of stress and anxiety, maintaining this pattern of communication and interaction can harm the family and occasionally lead to favoritism which generates undesirable behavior in children and adolescents (Juras, 2009).

One of the consequences of triangulation is the lack of attention and focus towards the symptoms the child presents (Juras & Costa, 2011). That is what seems to happen when looking at the theories relating to PA. They take the attention and focus away from the conflict and its complexities and put it towards the inappropriate and/or unwanted behavior



of the child: the “hate” and rejection of one parent. When in fact, what should be done is looking at, paying attention to, and understanding the family relational dynamics that led to that triangulation. The main problem is not the triangulation itself, but rather, the events that led up to it.

### **Zone of Senses - “Good Wants Me, Evil Wants Me”: Dichotomies in the Conceptions and Perceptions of Parental Alienation**

Over the course of this discussion on the Zone of Senses, the participants will be referred to as follows: Judges (Jg01 and Jgd02); Prosecutors (Pr01 and Pr02); Lawyers (Lw01 and Lw02); Public Defender (PDfr); Psychologists (Psi01 and Psi02) and Social Workers (SW01 and SW02).

Just as there are different approaches and perceptions of PA in literature, there are also different views and perceptions of PA concerning legal actors. Initially, we will address the concepts and perceptions that legitimize PA, its existence, and its application in the legal system. The following statements were made about the PA law: *“Legally, this statute is very good. The Parental Alienation Law came about at an excellent time”* (Lw01); *“It is excellent. It is a good law, it came at the right time, and technically, it meets the demands”* (Jgd01); *“I think this law is important to have”* (Jgd02).

Professionals directly connected to the Law realize the creation of law 12.318/2010 as positive and necessary. According to these professionals, this importance and necessity is expressed through the protection and attention it gives to children in the face of parental conflict, as the following quotes indicate: *“It [the law] was made to protect children”* (Jgd02); *“It [the law] protects children”* (PDfr); *“I think it’s positive because I think the law works a lot on a cultural level”* (Pr01); *“The law is beneficial in the sense of putting into practice, highlighting, bringing attention to something that happens in families, the difficulties the fathers and mothers experience when going through a separation and the damage to the children”* (SW02).

One of the major points in defense of PA and its conceptions is the protection of children. The conceptions and the law supporting PA are important tools for protecting children and their interests. Perhaps a possible benefit that PA and the law produced was what SW2 reflected on: highlighting family and parenting difficulties in separations.

In a situation of PA, children have no voice, they have no place. Everything they say and express is never a product of their own subjectivity; they are only products of the parent-alienating influence which brainwashes the child (Mendes, 2013). This attitude indicates a simplistic perception of the conflict (Bruch, 2001; Kelly & Johnston, 2001; King, 2002; Ziropiannis, 2001) and also the de-humanization of the child.

There is also the focus of attention given to PA cases. The primary focus seems to be just on one of the members in the family: the alienating parent (Kelly & Johnston, 2001). The alienated parent is like a “mere victim.” The child is seen only when symptoms become evident, and even then the child is seen through a pathological and medical perspective.

Some of the legal actors criticize and reflect on the fundamentals of PA, as shown in the following statements:

*“I don’t think that it [the law] is adequate. It’s not adequate because it punishes, but it does not have any support”* (Pr02); *“In general, they are people who are in need of help, and law 12.318/2010 deals with punishment, it also generalizes situations, and describes common situations as if they were Parental Alienation which opens up the door to nit-picking”* (Pr02); *“I don’t believe that criminalizing a person for having inadequate attitudes towards the child or the ex-spouse will resolve anything”* (SW01); *“[The law] was an effort towards trying to resolve a complicated issue in the simplest way. It looks like it was a little rushed, there must have been many interests involved in it”* (Psi02); *“There is a perverse side to it when you think of trying to reduce the complex dynamics of these families and making only one of the parents responsible”* (SW02); *“It is as if they had discovered a magic formula to represent ‘my suffering’, ‘finally they realized what I suffer from’ and the person ends up not really being able to see how they are participating towards the issue”* (SW02).

All these notes show that conceptions of PA do not seem to work in favor of child protection. Regarding this, Mendes (2013) has found that during the custody dispute cases the child has no say, they are seen as a piece of clay, and as an object with no ideas, desires, or affections in the couple’s dispute. It is a fallacy to say that the fundamentals of PA and its Law No. 12.318/2010 serve to protect the child.

These actors criticize the generalization and the diminishing of the family complexities, especially in post-divorce. Some authors (Bruch, 2001; Carrey, 2011; King, 2002; Kelly & Johnston, 2001; Moses & Townsend, 2011; Pepiton et al., 2012; Ziropiannis, 2001; Mendes, 2013) corroborate this by pointing out that there is also criminalization and the punishment of resulting behaviors of suffering and anguish which are common to the crisis. We understand PA traps the family into a scene with set and strict roles and responsibilities that do not correspond to the complex and systematic nature of family relationships. Besides aggravating conflicts, this can also lead to further damage being done to the family and the child.

The legal actors made a separate point about the frequency of PA claims in child custody cases, as shown by the statements below: *“Now it has become a popular expression and is being used as another delaying tactic, fueling the fire, you know? In order to keep the lawsuit going”* (Psi01); *“I am very cautious [with PA cases] and try not to overvalue them. I think nowadays people have a tendency to overvalue Parental Alienation cases”* (Pr02); *“It is fashionable now. They all claim Parental Alienation”* (Pr01); *“Among all the arguments we have for qualifying or disqualifying one of the parents, in my opinion it [PA] is just one more of them”* (SW02); *“[PA] is being used a lot nowadays as a way to lay blame to one party and exonerate the other of responsibilities, and use this as a way to win the lawsuit”* (SW02).

These legal actors state that allegations of PA are made indiscriminately and carelessly. This seems to be directly related to the problems in law training and its ideological-political affiliation in this area. The legal actors pose other problems about PA claims in child custody cases: *“I see the courts sometimes being used as an instrument not for*

improving Parental Alienation, but for making it worse” (Pr02); “Parental Alienation comes to injure, to hurt, do you understand? It is there to provoke: You cannot allow it, the law exists now, I want to see if you won’t do it” (Psi02).

Depending on how the legal proceedings are built up, litigants may feel encouraged and motivated to intensify their conflict (Zuim & Leite, 2010). By establishing a guilty party (alienating parent) and a victim (alienated parent; the child is even seen as a victim) the PA theories are effectively fanning the flames of the dispute. Thus, PA and the logic of the law make for a wicked combination (Barbosa & Juras, 2010; King, 2002; Zuim & Leite, 2010).

### Final Considerations

The main purpose of this article was to discuss the phenomena of divorce and its consequences from a more holistic understanding. In other words, to understand that divorce is a time of crisis – and it can generate behaviors and dysfunctional relational dynamics within the family - and it is part of the development of the family in their life cycle.

Regarding the word clouds, the legal actors see divorce as being quite challenging and confrontational; it produces suffering, anguish, frustration, and a sense of failure that can make overcoming the rupture process difficult. These difficulties are often expressed in a power struggle that materializes in the custody battle.

These perceptions endorse the moment of crisis that the family lives and the potential for the occurrence of maladaptive behaviors – that could also be seen as Parental Alienation. So it is important to think: in what context do family conflicts that end up being resolved in court arise? Divorce is a very difficult experience for the family, especially because it makes up part of its developmental cycle.

Regarding the literature review and also the perceptions of some legal actors, PA theories tend to ignore the history of family relationships and family subsystems. The model proposed by Gardner and his supporters reveals a parental relationship marked by a struggle for power and revenge, using the children as a means towards achieving it. But what was this parent-marital relationship like before the separation and before the decision to go to court? Did the parents’ power struggles and arguing only begin once separation and lawsuits were considered? Did they start looking at their children as objects only after the divorce? Understanding what we know about the complexity of human relationships, especially marriage, it is highly unlikely that people “go to sleep happy and content one night and wake up the next morning hating each other”, as the theories and concepts of PA seems to proclaim. It is known that power struggles between couples are present at the beginning of the relationship and are always evolving throughout the course of the relationship. In this sense, one cannot ignore the history of marital relations, especially those showing rivalries or power struggles.

The importance of this study is based on the need of a complex look at the family and its issues. Furthermore, the criticism here presented aims to make the academic and legal community alert to theories that seem to be only an

instrument to dominate and control the family; a sophisticated instrument of power and exploitation.

The limitations of this article are related to the peculiarities of its own context. The study was conducted within the Court of the Federal District - TJDF, which has a history of a more progressive and systemic approach than other courts in the country. Therefore, it is not possible to say those perceptions, especially critical in relation to divorce and parental alienation, could be found in other regions.

Lastly, it is understood that legal actors’ perceptions on jurisdictional families need to be strengthened. These perceptions need to be strengthened not only in order to identify, classify and punish, but mainly to be able to shelter, to listen, and to understand; all qualities which the complexity of the conflict and the suffering of the family require. It is along these lines that a criticism of PA theories is offered in order to better understand, shelter, and intervene in the family; recognizing and legitimizing the developing crisis: divorce. It is also necessary that these actors articulate, integrate, and share their perceptions with each other. If not, the welfare and best interests of children and families will remain unstable, uncertain, and frequently oppressed.

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