

IDEOLOGY AND RHETORIC REPLACE SCIENCE AND REASON IN SOME PARENTAL ALIENATION LITERATURE AND ADVOCACY: A CRITIQUE

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This article analyzes rhetorical strategies that are often used to legitimize classifying children's parent rejection as "alienation," conceived as a mental disorder or diagnosis. Use of evaluative labels or diagnoses instead of descriptions of behavioral functioning is problematic in child custody evaluations. We address Distorted Claims of consensus, Alienation Labeling, Renaming, Proof by Assertion, Misrepresenting Endorsement by Authorities, *Reduction Ad Absurdum*, and *Ad Personam* Attacks. Rhetoric distracts from the evidence and observable behaviors required to accurately classify mistreated/alienated children and protective/alienating parents. It creates an ideology that obfuscates the absence of and need for scientific validity studies; reliable prevalence data; non-conclusory assessment of parent-child relationship quality; empirical evidence testing the coaching hypothesis; and valid, objective evaluations of treatment programs. The article concludes with suggestions to improve dialogue between scholars in order to advance research and custody evaluations.

Keywords: *Child custody; Child maltreatment; Domestic violence; False allegations; Parental alienation; Parent-child relationship; Rhetoric.*

The purpose of this article is to bring attention to rhetorical strategies in some alienation literature and advocacy, including some of the articles in this Special Issue of the *Family Court Review*, that we believe are of questionable legitimacy and are likely to continue to polarize the two professional communities: Those whose primary focus is on parental alienation, whether called Parental Alienation Syndrome (PAS), Parental Alienation Disorder (PAD), or Parental Alienation (PA), and those whose primary focus is on child abuse and domestic violence. It is important to note that using diagnoses or evaluative labels such as PAS/PAD/PA in child custody cases when resistance or rejection of a parent by a child occurs, rather than observable behaviors and evidence to describe the functioning of the parents and children, is problematic because they do not specifically indicate the relationship issues that the court must understand in order to make a custody or parenting time decision in the best interests of the child. They create an ideology that replaces science. The use of rhetoric and ideology distracts researchers, professionals and the courts from the substantive issues that must be addressed to advance the understanding of resistance to or rejection of a parent. While this article focuses on rhetoric to analyze the strategies that produce the distractions, as shown in both the articles in this Special Issue and elsewhere, we do not intend to suggest that rhetoric and ideology are the only problems in this field. The deeper problems are the lack of logic and a scientific basis for the theory of PAS/PAD/PA, and the misuse of the concept of alienation to deny true abuse and other forms of destructive or inappropriate parenting. The last section of the article addresses some of these unresolved research issues and invites discussion of future directions.

One caveat: This article should not be interpreted as a critique of all scholarship on children who resist or refuse contact with a parent in a disputed child custody case, or as a rejection of the possibility that some parents use toxic strategies in an attempt to turn a child against the other parent.

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There is considerable scholarship that recognizes the complexity of children's resistance or refusal to have contact with one of their separating or divorcing parents and that acknowledges to varying degrees the need to assess child abuse and domestic violence, as well as other forms of parent-provoked or sustaining child rejection (Birnbaum & Bala, 2010; Dalton, Drozd, & Wong, 2006; Deutsch, 2018; Drozd, 2009; Fidler & Bala, 2010; Gordon, Stoffey, & Bottinelli, 2008; Johnston, 2003; Johnston, Walters, & Olesen, 2005; Kelly & Johnston, 2001; Lampel, 1996; Lee & Olesen, 2001; Ludolph & Bow, 2012; Racusin, Copans, & Mills, 1994; Siegel & Langford, 1998). Gardner (1999) himself said cases with child abuse were not alienation cases, and Bernet (2020) re-asserts this and affirms that other alienation advocates agree.

Nevertheless, none of this agreement has reduced the misuse of alienation allegations to mask abuse or other parenting deficits in practice (Meier, 2009, 2010; Milchman, 2017a, 2017b; Silberg & Dallam, 2019). Despite their acknowledgement of child abuse and parenting deficits as reasonable causes of parent rejection, some alienation theorists still appear to propound a single-factor explanation of children's rejection of a parent because they do not give weight to causes other than alienation in their approach to practice (Lorandos, Bernet, & Sauber, 2013). Scientific validity studies are needed to identify assessment criteria that could differentiate cases in practice that have different causes of resistance to or rejection of a parent (Milchman, 2019a, 2019c). It should be noted that we are not alone in our critique of single-factor analysis (Johnston & Sullivan, 2020).

Our concerns about misclassification in practice might seem overwrought because some single-factor advocates claim that they have conducted studies which scientifically validated assessment criteria to classify alienation cases and differentiate them from other cases with legitimate causes of parent resistance or rejection (e.g., Baker & Ben Ami, 2011; Baker, Burkhard, & Albertson-Kelly, 2012). However, despite their claims, their research designs are not consistent with standards for scientific validity research (Milchman, 2019a; O'Donohue, Benuto, & Bennett, 2016; Saini, Johnston, Fidler, & Bala, 2012, 2016). They use scientific language, but have not conducted the kinds of empirical studies needed to support their scientific claims. Their terminology confuses the issue.

Warshak (2020) has taken an important step towards empirically defining classification errors by conceptualizing them as "false positives." Single-factor advocates have not generally conceptualized the problem of misclassification as a problem of false positives. The reason this formulation is important is that a "false positive" is both detrimental to children and parents whose lives may be destroyed by these mistakes, and is a statistical concept related to empirical research designs and decision-making rules that support accurate classifications. Research that validates assessment criteria using established scientific frameworks is needed to counter advocacy-driven rhetorical overstatements that mislead legal decision-makers.

Drozd, Olesen, and Saini (2013) make the risk of misclassification clear when they state, "there will almost always be factors and clusters involving abuse/safety" (p. 21). If cases occur which typically confound alienation and abuse issues, as they state, then there is a clear need for evaluation models to set an explicit priority on avoiding mislabelling abuse cases as alienation cases. It also implies there is a need to re-interpret parenting behaviors that might be judged as alienating (e.g., visitation interference) when the parents are actually acting to protect children. However, despite their clear acknowledgment of the importance of abuse assessment, Drozd et al.'s (2013) evaluation model does not provide adequate guidance to evaluators as to how to prioritize the assessment of abuse and interpret all the evidence when there is evidence of abuse, though Milchman's (2018, forthcoming) does.

Sadly, child custody evaluators make frequent errors in weighing abuse and alienation evidence and in interpreting protective behaviors, especially if they are not trained in assessing child abuse, child trauma, and interpersonal violence (Geffner, Conradi, Geis, & Aranda, 2009; Meier, 2010; Sanders, Geffner, Bucky, Ribner, & Patino, 2015; Saunders, Faller, & Tolman, 2012, 2016). Such errors also are frequently made by those who are predisposed to assume that improper PAS/PAD/PA by the child's preferred parent is the explanation for a child's rejection or resistance to the other parent. Ironically, as new data suggest (Meier, 2020), interpreting a case as an alienation case even when supporting evidence is lacking (Milchman, forthcoming) is especially common and

particularly powerful when it is most dangerous: when there are allegations of either domestic abuse or child maltreatment (Geffner, Shaw, & Crowell, 2018; Saunders et al., 2012, 2016). In these cases, there is a special need to guard against the replacement of science with rhetoric.

Child abuse and domestic violence experts have written extensively about the scientific, legal, forensic, and ethical problems associated with PAS/PAD/PA claims, particularly when they are used in cases with child abuse or domestic violence disclosures and allegations (Adams, 2006; Brown, 2003; Bruch, 2001; Dallam, 1999; Dalton et al., 2006; Faller, 1998; Geffner & Sandoval, 2019; McDonald, 1988; Meier, 2009, 2013; Milchman, 2015, 2017a, 2017b, 2019a, 2019b, 2019c; Penfold, 1997; Pepiton, Zeligowski, Geffner, & Pegolo de Albuquerque, 2014; Saunders et al., 2012). This article adds a new dimension to those critiques by addressing the use of specific rhetorical devices that are designed to make an argument compelling by misrepresenting the reasoning and/or evidence that supports it (Somers, 2019). We address the attempts by some authors who write about parental alienation (e.g., Baker, 2013; Bernet, 2017, 2019, 2020; Bernet & Baker, 2013; Clawar & Rivlin, 2013; Wheeler & Armstrong, 2019) to promote the legitimacy of PAS/PAD/PA as a diagnostic, scientific, or psycho-legal construct in multiple venues by replacing evidence and reasoning with rhetoric and ideology.

In order to place this article within its intended theoretical context, one more important distinction must be made: None of the authors of this article dispute the need to identify, assess, and treat parent-child relationship problems where a parent may have manipulated a child to reject the other parent. Geffner and Milchman are psychologists specializing in trauma, child abuse, and domestic violence who conduct child custody evaluations regularly. Meier is an attorney specializing in domestic violence and protective parent litigation. We all agree that in cases where a parent intentionally attempts to cause a child to reject a parent, the parent's actions should be described behaviorally and addressed through appropriate interventions, as should any other problematic parenting behavior. Further, in order to make an appropriate legal response and ensure child protection, in all cases where a child resists or rejects a parent, the primary causes of the rejection should also be ascertained through comprehensive examination of the facts. When the factual record does not suffice to establish the reasons for the child's behaviors, evaluations of both parents and the child by trained mental health professionals are indicated. We do not dispute the need for legitimate treatment in many situations, nor do we dispute the role of the court in administering appropriate remedies.

However, we strongly object to using the label "alienation" as a diagnostic, scientific, or psycho-legal construct in place of an objective and comprehensive causal assessment, whether that assessment is done as a child custody evaluation or as a careful review of the facts by judges or other decisionmakers. It is important to ensure that those conducting evaluations and making decisions in court are knowledgeable about child abuse and domestic violence, trauma, bad parenting, and other key factors in family dynamics, so that they do not miss relevant details. Labeling the case an alienation one implies that causes other than alienation have been affirmatively ruled out when this may not have been done (Meier et al., 2019; Milchman, 2017b). Unfortunately, this practice is common in our experience, as confirmed by national studies (e.g., Lorandos, 2020; Saunders et al., 2012, 2016). Moreover, the practice is supported by those PAS/PAD/PA researchers who attribute their findings to alienation when they have not searched for evidence that the relationship problems their subjects report could have other causes (e.g., Baker, 2005). The failure to search for contrary evidence in a research study is consistent with ignoring the need to search for contrary evidence in a custody evaluation. The expert opinions and recommendations that those labels encourage are based more on ideological assumptions than on rigorous assessment and critical analysis of observable behaviors. This is not scientifically acceptable; it does not serve as accurate case identification, and worse, is often severely harmful to children and parents (Silberg & Dallam, 2019).

This article focuses attention on misleading rhetorical devices used to support single-factor advocacy excesses that too often win cases by making emotional appeals based on alienation stereotypes rooted in ideology. Such appeals distract from the need for specific, direct, affirmative evidence about the likely cause(s) for parent rejection in an individual case. Scholars who write about

alienation (Drozd et al., 2013; Kelly & Johnston, 2001; Saini et al., 2012, 2016), child abuse (Faller, 1998; Geffner & Sandoval, 2019; Milchman, 2018a), and legal issues (Meier et al., 2019) all agree that such an evidence-based analysis is essential to accurate decision-making. This article seeks to increase resistance to PAS/PAD/PA rhetoric among decision-makers in cases in which children resist or reject a parent. We focus primarily on recent scholarship, published in this Special Issue and elsewhere, that continues to use misleading rhetoric to promote acceptance of a simplistic alienation explanation of children's resistance to or rejection of a parent, even as other scholars acknowledge complexity in these cases.

The next section of this article discusses these rhetorical devices. These include Distorted Claims of Consensus, Alienation Labeling, Renaming, Proof by Assertion Misrepresenting Endorsement by Authorities, *Reductio Ad Absurdum*, and *Ad Personam* attacks.

I. DISTORTED CLAIMS OF CONSENSUS

A rhetorical strategy we find often within certain writers' publications and presentations is the assertion of world-wide consensus in favor of alienation as a diagnostic, scientific, or psycho-legal concept without acknowledging the controversy about this consensus (Bernet, 2008, 2013, 2020; Brockhausen, 2013; Dum, 2013; Lorandos, 2013, 2020). However, this "consensus" is achieved by ignoring, dismissing, or trivializing significant opposition. While misleading alienation rhetoric may indeed have contributed to world-wide acceptance of the alienation concept among some groups and organizations, at the same time opposition from many people representing many professions has increased globally in response to the failure of such proponents to provide solid, credible research proving the concept's fundamental premises despite 30 years of attempts to do so (O'Donohue et al., 2016; Saini et al., 2012, 2016). Scholars from the alienation and family law fields, as well as the domestic violence and child abuse fields, are looking more closely at the discrepancy between the actual lack of evidence and the claims that have led to the supposedly universal acceptance of the validity of the alienation concept made by some PAS/PAD/PA activists in published literature, academic presentations, and legislative hearings (Bernet, 2013, 2017, 2019; Bernet & Baker, 2013; Wheeler & Armstrong, 2019).

There is less consensus than many advocates assert. Some recent research, that has a design that is an improvement over other studies, raises concerns about the validity of denigration as a cause or primary cause of parent alienation (Rowen & Emery, 2014, 2018, 2019). Based on retrospective accounts of young adults, Rowen and Emery (2014, 2018, 2019), found that, after separation, both parents often denigrate each other, and under-report their own denigrating and other alienating behaviors while over-reporting these behaviors on the part of their co-parent. Most importantly, they also found that one parent's denigration of the other parent often "boomerangs" against the first parent, rather than causing lasting harm to the child's relationship with the denigrated parent. Rowen and Emery (2019) have discussed some of the limitations of their study. However, they have continued to conclude that "the initial work we have completed on parental denigrations calls into question basic suppositions about parental alienation" (Rowen & Emery, 2019, p. 207). Since this study, other alienation scholars have commented that denigration may not be sufficient on its own to cause alienation (Saini, 2019). Nevertheless, research results that show it tends to have the *opposite* effect brings home the imperative need for scientific hypothesis testing to replace advocacy.

The opposition to this consensus is acknowledged by Bernet (2013) in a chapter describing the extent of PAS/PAD/PA activism across the world and its success in getting the idea accepted. He observed that leading alienation researchers Johnston and Kelly opposed the inclusion of parental alienation in the U.S. *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5)*. In fact, they sent a letter to Dr. Daniel Pine, the Chairman of the *DSM-5* Child and Adolescent Disorders Work Group (CADWG), in which they stated that parental alienation should *not* be included as a diagnosis *in any form* in *DSM-5* because it lacked an adequate research foundation. This letter was cosigned by 17 leading child abuse and domestic violence researchers, teachers, and clinicians (Faller,

2010). Their objections, along with those of many others who sent letters objecting to PAS/PAD/PA inclusion were recognized, and the concept of parental alienation in every form that advocates proposed (i.e., a child mental disorder; a specific relational problem; a relational problem subtype or specifier, for example as a shared psychotic disorder; and a diagnosis in need of further study) was rejected for inclusion in *DSM-5*. The CADWG chairperson even held a press conference to make the position of the *DSM-5* committee clear and public (Crary, 2012). Rather than admitting that there are merits to the arguments of those who oppose consensus, Bernet, von Boch-Galhau, Baker, and Morrison (2010) Bernet (2013, 2020) dismisses their opposition, and insists that it is based on misinformation and disinformation, which is ultimately misguided.

Opposition to the acceptance of the alienation concept based on concerns about its lack of scientific foundation and its misuse in court have also been expressed internationally. A large number of organizations and experts in the child abuse, trauma, and domestic violence fields, whose mission is protection of children and domestic violence victims and reduction of trauma, including The American Professional Society on the Abuse of Children (APSAC, 2019), Concerned Family Law Academics, Family Violence Experts, Family Violence Research Institutes, Trauma Institutes, Child Development and Child Abuse Experts, and Children's Rights Networks and Associations (2019) from different countries, have signed a "Collective Memo of Concern" sent to the World Health Organization (WHO) to oppose including "parental alienation" in the next rendition of the *International Classification of Diseases 11th Revision (ICD-11)* (WHO Memo, 4/16/19).

Finally, a broad cross-section of organizations are increasingly challenging the manner in which PAS/PAD/PA is used in courts, with little or no evidence, to blame the parent and child protesting abuse (Geffner et al., 2018; Milchman, 2019a). This practice is reminiscent of "blaming the victim," a phenomenon often seen in other victimization situations (IANS, 2019). Multiple organizations¹ signed on to a recent *Amicus Brief*² detailing the lack of scientific support for the alienation concept and arguing against its use in family proceedings. The *Brief* argues that alienation is too often used as a label to explain a child's visitation resistance, while ignoring histories of abuse in the family and harmful parenting, such as hostility and callousness exhibited by the father in that case (DV LEAP, 3/22/19).

At present, some thoughtful clinicians and researchers accept the utility of the concept of alienation, while they also recognize the weaknesses and limitations of the empirical evidence for PAS/PAD/PA (see reviews by Saini et al., 2012, 2016). However, other alienation experts make misleading assertions, using rhetoric that may contribute to the appearance of scientific support when there actually is none. Given that the absence of valid science supporting PAS/PAD/PA has been widely acknowledged, as described above, the concept is better understood as ideology, not scientific theory (Milchman, 2017a; Walker, Brantley, & Rigsbee, 2004). Since various decision-making bodies, including trial courts (see DV LEAP, 2019; Meier, 2020) and appeals courts (Milchman, 2017b) are sometimes swayed by such rhetoric, and may themselves share implicit biases and prejudicial assumptions that make some of the rhetoric appear plausible (Haselschwerdt, Hardesty, & Hans, 2011; Meier & Dickson, 2017; Milchman, 2017a; Saunders et al., 2012), it falls to scholars to address the problem. They must acknowledge the complexity of parent rejection, educate the courts about the need for a multicausal assessment and interpretation in individual cases, and express their opposition to "decision by rhetoric."

II. ALIENATION LABELING

The opposition to the consensus claimed by PAS/PAD/PA advocates, with which we strongly agree, is grounded in the use of "alienation" as a label rather than as a behavioral description. Labeling is a misleading rhetorical device because it denotes a proper noun to signify a particular known thing. Proper nouns use initial capitals to signal that they are names for unique entities. Such entities are understood as readily identified and discriminated from other similar-appearing entities

in the same category (e.g., the Brooklyn Bridge can readily be identified and differentiated from the Golden Gate Bridge or any other bridge). In contrast, a behavior is not a condition or a diagnosis, and does not deserve a noun label. It is an action that can be observed, assessed, and then may be able to be addressed appropriately once its causes are accurately determined.

A diagnosis is a theoretical construct that is not directly observable and must be shown, through scientific validity research, to have observable relationships with other constructs in order to prove it exists. Turning a child's rejection of a parent or a parent's denigration of the other parent, which are observable behaviors, into a condition or diagnosis simply by referring to them with a proper name, "Parental Alienation," implies that the *diagnosis*, not just the behaviors, exists; yet the absence of any validated criteria to identify it specifically or to make a differential diagnosis are significant problems that contradict this usage (Milchman, 2019; Saini et al., 2012, 2016). In addition, a lack of any scientific underpinnings for the basic premise that alienation is a mental disorder is precisely what led to the rejection of the diagnosis by *DSM-5*, as discussed above.

A better approach was exemplified by Bernet (2020) and colleagues (Bernet et al., 2010) when they used "parental alienation," without initial capitalization, to compare parent rejection to school refusal, saying both were symptoms with several possible causes. Further, Bernet (2020) also says, without capitalization, that "the diagnosis of parent alienation relational problem should not be used if ... the child was neglected or abused." While a step in the right direction, their analysis remains problematic because it still asserts that alienation is a "diagnosis," which in our view is just another form of labeling because it changes a behavioral description of one type of poor parenting into a specific mental disorder. Once again, this is precisely what PA advocates had proposed, unsuccessfully, to *DSM-5* (Bernet, 2013, p. 496), as discussed above. It thus appears that regardless of the use or omission of initial capitals, some advocates' intent remains: to elevate a behavioral description to a mental disorder. In fact, inconsistent usage might serve this advocacy need because it provides examples that support denial of misleading rhetoric and tends to confuse the issues.

We object to labeling because it encourages misclassification. A label implies that the criteria and techniques to identify a specific phenomenon have been validated and can be applied accurately to a specific case based upon research evidence. This is simply not true. As stated above, to date, the empirical research studies on alienation are methodologically flawed and no one has found scientifically validated criteria to identify "alienated" children and differentiate them from abused or otherwise psychologically injured or traumatized children (Saini et al., 2012, 2016). This differentiation is termed "discriminant validity," and it is ground zero for accurately identifying the category into which cases should be classified (Milchman, 2019a). To date, there is no empirical evidence demonstrating discriminant validity for alienation cases (Milchman, 2019a). The absence of discriminant validity risks tragic misclassifications of abused and mistreated children as alienated children (Meier, 2010).

Some research has identified such misclassified cases, in which courts themselves recognized that previous decisions mislabeling protective efforts as alienation strategies subjected children to years of ongoing abuse (Silberg & Dallam, 2019). Other research has documented courts' tendency to adopt alienation labels even though supporting evidence for alienation is lacking (Milchman, 2017b). Too ready acceptance of alienation as the reason why a child rejects a parent appears particularly likely when alienation is used to counter abuse allegations, with significant negative impact on outcomes for mothers purporting to seek to protect their children (Meier & Dickson, 2017; Meier et al., 2019). At minimum, a descriptive language is needed that is rich enough to counter decision-making by labeling. To reduce the risk of misclassification, evaluations must be thorough, comprehensive, and objective, as many scholars have insisted (Drozd et al., 2013; Fidler & Bala, 2010; Garber, 2020); appropriate techniques must be used (Benjamin, Beck, Shaw, & Geffner, 2018; Milchman, 2019b) and evaluators must have - or arrange to retain others with - objectively documented specialized expertise in child abuse, child trauma, and domestic violence.

We see in the literature some promising movement in this direction. Drozd et al. (2013) place "alienating" in a list of "parenting problems" along with other types of harmful parenting behaviors

that should be assessed. APSAC (n.d.) uses the term “alienate” to describe parental “indoctrination” of a child, but does not categorize it as a type of abuse. The behavioral descriptions contained in custody evaluations must be interpreted within the frameworks provided by the robust science that exists in the fields of attachment, trauma, child development, family psychology, and diagnostic assessment. Decisions must rely on behavioral descriptions that provide enough specific evidence pertaining to *each possible cause* of parent rejection in individual cases to reduce the risk that children will be removed from protective, loving and loved parents, and placed with parents they have legitimate reason to fear, resist or reject (Meier, 2010; Mercer, 2019; Silberg & Dallam, 2019).

In short, in our view, labeling a behavior problem as if it were a scientifically validated diagnosis, with specific implications for children, families, and their treatment, in the absence of the necessary empirical research, is premature at best and destructively misleading at worst (see Mercer (2019) for a discussion of negative consequences of specialized treatment programs, and Warshak (2020) for the evolution of some programs to reduce the risk of negative consequences from erroneous labels). It encourages the legal system to ignore the risk that legitimate abuse cases are being misinterpreted and misclassified as PAS/PAD/PA cases (Meier, 2009, 2010; Milchman, 2017b; Silberg & Dallam, 2019; Warshak, 2020). This can be to the enormous detriment of children and protective parents, many of whom we have seen sadly watch their children continue to be abused after a court ignores legitimate abuse reports and adopts the alienation label. Labeling is a rhetorical advice that creates a phenomenon – in this case, a diagnosis - by naming it.

III. RENAMING

The terms used to refer to the concept of alienation have changed over the years from PAS to PA, then to PAD, and now back to PA (see Harman, Bernet, & Harman, 2019; Lorandos, 2020; Warshak, 2015). However, these name changes have not been accompanied by changes in behavioral criteria for PAS/PAD/PA (Geffner & Sandoval, 2019). Some proponents say that PA is different from PAS because it re-defines alienation to recognize multiple causes of a child’s contact resistance. However, the usage of alienation continues to be no different from PAS in court cases, and additional causes are rarely if ever discussed or remedied (Meier, 2013; Meier et al., 2019). While these proponents acknowledge different causes of parent–child estrangement, they do not change the criteria for alienation. The behavioral criteria for alienation have not changed significantly since Gardner (1985) first proposed them (see Geffner & Sandoval, 2019 for the history of PAS/PAD/PA). Some alienation activists invoke the use of the different names as evidence of the prevalence of the phenomenon, which they say shows that alienation has been recognized by multiple observers coming from different cultures (Lorandos, 2020; Lorandos et al., 2013). The multiple names suggest more wide-spread support than a single name would suggest, particularly discredited names such as PAS.

When PAS was discredited as a medical syndrome, the “S” was dropped (Lorandos, 2020), and advocates adopted the term PAD to replace it (Bernet, 2010). The shift to PAD creates an impression that the concept of parental alienation is a psychiatric diagnosis, because psychiatric diagnoses have been termed “mental *disorders*” for more than 60 years (APA, 1952). As it became clear that PAD was not going to be accepted as a new diagnosis in *DSM-5*, advocates dropped the “D” (Bernet, 2008, 2013) and then proposed that PA be included in sections describing relational problems that are not diagnoses (Bernet, 2013).

Legitimacy by association avoids the substantive issue. PA is not a mental disorder, as it has been defined in the various editions of the DSM, which is based on discrete categories that subsume distinct clusters of behavioral symptoms. PAS/PAD/PA “diagnoses” are not based on particular behavioral symptoms. They are based on the *motivations* and *justifications* or lack thereof for the behaviors of the preferred parent and child. It thus can not fit into a diagnostic system that is specifically intended to remove inferences about motivations and justifications and rely on directly

observable behaviors. Renaming a phenomenon without changing it is a rhetorical strategy that attempts to legitimize by rhetoric what cannot be legitimized by reasoned argument or research.

IV. PROOF BY ASSERTION

A. ASSERTING THAT ANECDOTES ARE EVIDENCE

Despite the absence of actual scientific underpinnings, some PA authors have repeatedly asserted that there is sufficient evidence of PA's scientific validity to support its institutionalization (Baker, 2013; Bernet, 2013, 2020; Bernet & Baker, 2013; Brockhausen, 2013; Clawar & Rivlin, 2013; Dum, 2013; Lorandos, 2020). The evidence they cite, however, when examined, consists in significant measure of self-proclaimed victims' statements, case studies, and allied experts' opinions (Saini et al., 2012, 2016). These studies typically document children's rejection of a parent, or adults' recall of such rejection, or parents' negativity towards the other parent, and assert that it is alienation, without indicating any attempt to find evidence that might rule-out other causes, which is scientifically essential before these narratives can be accepted as examples of alienation.

Anecdotal evidence sometimes has a role to play in the early stages of identifying a real phenomenon. However, as explained in our discussion of discriminant validity above, empirical and scientific research is necessary to establish that a proclaimed psychological phenomenon can be distinguished from other similar-appearing, but different phenomena (Milchman, 2019a). Baker (2013) reports on 18 empirical studies that she describes as "key studies in the field of PA" (p. 334). Saini et al. (2012, 2016) report a total of 58 studies, including most of the ones Baker (2013) cites. However, with three exceptions that use well-validated psychological tests (Gordon et al., 2008; Rowen & Emery, 2014; Siegel & Langford, 1998), our understanding of Saini et al.'s (2012, 2016) analysis indicates that these studies do not meet the basic standards for establishing scientific validity in research. Rowen and Emery (2014) were discussed above. Of the other two exceptions, one is moderately well-designed, but the other has more serious design flaws. Both identify all good/all bad thinking as more common in parents identified as exhibiting alienating behaviors, but this kind of cognitive distortion is associated with other kinds of adult psychopathology as well. While it is true that there are some empirical studies on alienation as advocates (Bernet, 2013) claim, it is not true that these studies prove that alienation exists as a diagnostic entity because they *do not differentiate between alienation and other kinds of parent-child relationship problems*, nor do they indicate that other causes for the behaviors have been eliminated. They are simply too poorly designed and inherently conclusory, in that every child is presumed to have been alienated as claimed without further inquiry.

Almost 10 years ago, researchers Birnbaum and Bala (2010) emphasized the need for an empirically validated instrument to discriminate between alienation cases and other kinds of cases in which children were exposed to parental conflict, especially domestic violence cases. Their call has yet to be met. To date, there is no scientifically validated PA instrument nor have any behavioral criteria been identified in valid empirical research studies (Milchman, 2019a; Saini et al., 2012, 2016). Asserting that anecdotes are scientific evidence is a rhetorical strategy to provide credibility for unproven advocacy claims.

B. ASSERTING THAT AGREEMENT IS EVIDENCE

Some PA advocates assert that the fact that so many people and organizations accept their view of PAS/PAD/PA proves it exists as a diagnostic entity (Bernet, 2020; Clawar & Rivlin, 2013), disregarding the lack of discriminant validity whether in a test instrument, in litigation, or in research studies. Bernet (2020, p. 296) quotes Saini et al.' (2016) statement that "there is remarkable agreement" about PA and the ability to identify it "reliably" to support his argument. Bernet's statement

implies that Saini et al. (2016) are saying that PA can be accurately identified, which means discriminated from other causes of parent rejection. Bernet is attempting to use the common meaning of the term “reliable,” which is “something that can be relied upon” (Webster’s Seventh New Collegiate Dictionary).

However, scientific reliability does *not* mean accuracy in identifying a phenomenon. Scientifically, accuracy depends on validity, not reliability. This distinction is recognized legally. In a discussion of the criteria for admitting scientific testimony, Sales and Shuman (2005, p. 35), legal scholars, state that the legal system differentiates between scientific reliability and scientific validity and has decided that “in cases involving scientific evidence, *evidentiary reliability* will be based on *scientific validity*” (p. 35; emphasis in text). Scientific validity means accuracy, which cannot be determined by a popular vote.

Indeed, Saini et al. (2012, 2016) are very clear on this, stating:

There is a virtual absence of empirical studies on the differential diagnosis of alienation in children from other conditions that share similar features with parental alienation, especially realistic estrangement or justified rejection in response to parental abuse/neglect, significantly compromised parenting or the child being a witness to intimate partner violence (Saini et al., 2016, p. 423).

As we have stated above, the criteria for PAS/PAD/PA have not been empirically tested and so they have not changed much in the more than 30 years since Gardner (1985) first proposed them. Scientifically, validity comes from empirical evidence that the concept accurately describes or assesses what it is purported to describe or assess and not some other phenomenon, and, as discussed above, this is precisely what is lacking for PAS/PAD/PA. Equating agreement with validity is an act of rhetorical deception.

C. ASSERTING THAT ATTENTION IS EVIDENCE

Bernet (2020) and Bernet’s et al. (2010) use of proof by assertion is also implied by his numerous references to scholars, mental health and legal professionals, and organizations that have “considered” PA or “discussed [it] extensively,” as if the frequency of discussion indicates acceptance and acceptance indicates validity. Of course, people and organizations can discuss an idea frequently whether or not they agree with it. The *DSM-5* CADWG must have discussed PA frequently before they decided to reject its inclusion in *DSM-5*. Bernet’s (2020) assertion that PA is a “valid concept” because many people discuss it is a rhetorical strategy that makes an idea seem true simply because people pay attention to it.

V. MISREPRESENTING ENDORSEMENT BY AUTHORITIES

A. ORGANIZATIONS CLAIMED TO SUPPORT PA

PA activists also base claims for the validity of PA on the organizational support it has purportedly obtained (Baker, 2010; Bernet, 2013, 2017, 2019; Wheeler & Armstrong, 2019). In the U.S., PA activists claim support from many organizations in presentations to attorneys, legislatures, and mental health professionals.³ However, these claims of endorsements are often misstated and/or actually false, as we elaborate below.

B. FALSE CLAIMS OF ORGANIZATIONAL SUPPORT

1. American Bar Association

The basis for Bernet's (2017) claim that the ABA accepts PA is that they published a book, *Children Held Hostage* by Clawar and Rivlin in 1991, with a Second Edition in 2013. However, on the copyright page in this book there is a clear statement of the organization's relationship to this book:

The materials herein represent the opinions of the authors and/or the editors, and should not [emphasis added] be construed to be the views or opinions of the ... American Bar Association or the Family Law Section unless adopted pursuant to the bylaws of the Association.

Professional organizations publish, advertise, and promote many books that do not represent the official views of the organizations. These are commercial activities, not scientific ones. They do not represent endorsement of the publication's content, and they are not statements of organizational principles. There is nothing on the webpage of the ABA to indicate that PAS/PAD/PA has been in any way institutionally adopted or recognized by the ABA.

2. American Psychological Association

Similarly, Bernet claims that the American Psychological Association (APA) accepts parental alienation. He made this claim at a 2017 presentation of the International Academy of Law and Mental Health in Prague, and at a public hearing to the Connecticut Legislature on 2/5/19. In support of his assertion, he cites to the APA's publication of the *APA Handbook of Forensic Psychology, Fourth Edition*, which includes a chapter on "Child Custody and Access" with a section headed "Child Alienation." It is true that the use of the organization's name, APA, in the title may create some grounds for confusion. However, APA publishes many Handbooks with their name in the title, and it is unusual for professional associations to officially endorse the contents of their publications. Upon inquiry, an employee of APA who is an authoritative source in their publishing department, responded by email as a representative of APA to communicate APA's general publication policy. This person said that publication of a book by APA does not indicate authorization or endorsement of the publication's content. To make this clear, she said that while it was not always true in the past, APA now includes a standard disclaimer on the copyright page of their publications. That disclaimer, like the ABA's disclaimer, states, "the opinions and statements published are the responsibility of the authors, and such opinions and statements do not necessarily represent the policies of the American Psychological Association."

Bernet (2020) also asserts that it is "significant" that the APA's online *Dictionary of Psychology* lists the symptoms of parental alienation and says the general concept "often is viewed as a legitimate dynamic in many family situations." The fact that APA states that the concept of parental alienation is "often viewed" as legitimate does not imply that APA views the concept as legitimate. The statement describes the views of some others.

3. American Professional Society on the Abuse of Children

Bernet, even in this issue, asserts that APSAC has accepted PA, ignoring the contradictory evidence that has been available for many years. It is true that the position of APSAC on PA was once open to misinterpretation by PA activists. The 2016⁴ APSAC *Position Paper on Allegations of Child Maltreatment and Intimate Partner Violence in Divorce/Parental Relationship Dissolution* [hereafter *APSAC Maltreatment/IPV Position Paper*] used the term "alienate" as a verb, not a proper noun, to refer to a parent who intentionally indoctrinated a child against the other parent. It also

said that intentional indoctrination was a form of psychological maltreatment. Some of the APSAC criteria for psychological maltreatment contained in the 2017 *APSAC Guidelines on Psychological Maltreatment* [hereafter *APSAC Psychological Maltreatment Guidelines*] (as well as the earlier 1995 *Psychosocial Evaluation of Suspected Psychological Maltreatment in Children and Adolescents*) overlap with those commonly associated with PA. These statements could have created the impression that APSAC endorsed PA as a form of psychological maltreatment.

However, for many years, other APSAC publications either did not recognize PA or objected to the concept. The 2010 *APSAC Advisor* contained an article that objected to the inclusion of PAS/PAD in *DSM-5* because of its weak empirical foundation (Faller, 2010). The same 2016 *APSAC Maltreatment/IPV Position Paper* that discussed indoctrination as a form of psychological maltreatment also severely criticized PA scientifically, saying it lacked definitional clarity, specific diagnostic criteria, and an adequate empirical basis. The 2017 *APSAC Psychological Maltreatment Guidelines* did not recognize PA (and neither did the 1995 version).

Discussion of this inconsistency with APSAC (2019) leaders during its 26th Annual Colloquium indicated that APSAC's leadership considers the claim that it endorses PA to be a misuse of its concept of psychological maltreatment and it is working on clarifying the issue by releasing a specific statement that APSAC does not accept PA.⁵ It appears that the general meaning of "alienate" was never intended to refer to the theoretical construct of PA. In fact, APSAC has always been consistent regarding the lack of scientific evidence to support the concept of PA. As of this writing (September 2019), APSAC has clarified the inconsistency in two ways, both of which make it clear that the organization does not endorse the theoretical construct of PA.

First, APSAC was a signatory to the 2019 *PA Amicus Brief* (DV LEAP, 2019). This *Brief* was submitted on 3/22/19, 6 months before the articles for this Special Issue were due, and was posted on the APSAC website.⁶ These steps, and the contents of the brief, indicate APSAC's strong opposition to the use of PA without adequate direct assessment of multiple possible causes of children's negative feelings towards their parents, as well as its support for the view that there is little to no scientific support for the key premises associated with theories of PA. Second, it was 5 months before these special issue articles were due that APSAC signed the WHO Memo discussed above. Third, in the 2019 update to the *APSAC Psychological Maltreatment Guidelines*, APSAC cautioned "judges, attorneys, guardians, counselors or other professionals" against using those *Guidelines* or "any APSAC publication" on psychological maltreatment as "endorsing or *even lending credence* to a diagnosis or finding of 'parental alienation'" [emphasis added]. It also stated that such misuse of its publications would be "negligent" or "even reckless" (APSAC, 2019, p. 1, f.n. 2). The 2019 *APSAC Psychological Maltreatment Guidelines* have come out recently, but still in advance of the due date for this special issue. These disclaimers could not be clearer or stronger in demonstrating that APSAC does not "support" PA as a theoretical construct, even while it recognizes that a parent's attempts at intentional indoctrination of a child against the other parent is a negative behavior that would need to be dealt with appropriately. It is clear that APSAC does not endorse PA and never did. The claim that it does endorse the concept of alienation is based on repeating evidence that is selected to support the claim and ignoring contradictory evidence.

Despite several clear indications that the organizations cited as accepting PAS/PAD/PA do not, in fact, accept it, proponents continue to assert that they do. These advocates rely on "cherry picked" evidence to support their claims as if there were no contradictory evidence. Repetition creates familiarity. The repetition of claims based on selective and distorted information is a rhetorical device that substitutes familiarity for accuracy.

C. LIMITED ORGANIZATIONAL SUPPORT

Other organizations cited by PA advocates (Baker, 2010; Bernet, 2013, 2017, 2019; Wheeler & Armstrong, 2019) as supporting PA have not in fact done so either. The American Psychiatric Association (2013) and the American Academy of Matrimonial Lawyers (AAML) (2011) recognize

parent–child relationship problems in general, and include behavioral descriptions that correspond to some of the characteristics attributed to alienation, but they do not use the term “alienation” or recognize PAS/PAD/PA as a named entity.

The AACAP (1997), AFCC (2006), and AAP (2016) refer to “alienation” but do not recognize PAS/PAD/PA as a clinical diagnosis.

AACAP (Cohen & Weitzman, 2016) recognizes “Parental Alienation” as an area for assessment in its *Practice Parameters for Child Custody Evaluation*, which is an AACAP Official Action, and was approved by the AACAP council on 6/6/97. The capitals denote a subsection heading, not a proper noun, comparable to another area for assessment subsection titled “Parents’ Work Schedules.” AACAP describes parental alienation as a “phenomenon”, and notes that there is controversy about whether it is or is not a “syndrome” (pp. 59S–60S).

The AAP (2016) published a *Clinical Report* that used the term “alienation” descriptively, but did not recognize a syndrome or disorder. An advocacy organization for PA in Ohio (Central Ohio Parental Alienation, n.d.) cited the AAP (2016) clinical report approvingly, but commented that it was unfortunate that “the report does not do a good job of explain[sic] that severe cases are child psychological abuse, trigger [sic] a duty to protect.”⁷ The failure to equate PA with psychological abuse is not merely an oversight by the AAP. Another AAP clinical report titled *Psychological Maltreatment* makes no mention of alienation either descriptively or by any of its acronyms (Cohen & Weitzman, 2016; Hibbard, Barlow, MacMillan, & Committee on Child Abuse and Neglect, American Academy Of Child And Adolescent Psychiatry, & Child Maltreatment and Violence Committee, 2012). Thus, the position of the AAP appears to be that it recognizes alienation as a behavioral problem of concern in divorce and separation cases, but it does not recognize it as a type of child abuse.

AFCC (2006) recognizes “child alienation” as an area in which evaluators should have expertise, along with multiple other areas.

D. IMPLICATIONS OF MISREPRESENTING ORGANIZATIONAL SUPPORT

No association representing the professions of law, psychology, psychiatry, or pediatrics in the U.S. recognizes PAS/PAD/PA, though some associations in European countries might (Wheeler & Armstrong, 2019). The difference between alienation (lower case *a*) conceptualized as a behavioral description of a parent–child relationship problem and a categorical diagnosis (upper case *PAS/PAD/PA*) is significant. Absent a specific mental disorder that carries special legal considerations, or classification as a crime such as child abuse, a description of bad parenting does not support activist demands for special legal status. Narcissistic parenting, cold parenting, demanding parenting, incompetent parenting and so on, are all examples of bad parenting, but they do not result in special legal privileges or punishments as they might if they were identified with a proper noun, capitalized, as a specific mental disorder (see Parnell’s (2002) discussion of the legal implications and controversies concerning Munchausen by Proxy Syndrome, which is both a mental disorder and a form of child abuse). The assertion that professional associations “recognize” “alienation” without stating the limited nature of that “recognition” is a rhetorical strategy that attempts to legitimize the concept by misleading readers into believing it has won acceptance from many credible organizations that readers are likely to trust.

VI. REDUCTIO AD ABSURDUM

PA activism is also furthered by distorting and reducing the legitimacy of opponents’ arguments. For instance, Robb (2020) accuses Meier and Dickson (2017) of misrepresenting their evidence to support their conclusion that gender disparities in custody/parenting time decisions exist in PA cases. He asserts that they do not define “lost custody,” equate “winning” a custody/parenting time

decision with “losing custody,” and include “termination of parental rights in the same category as cases where ‘a parent gained an hour’ of time with their child.” He then concludes that Meier and Dickson’s (2017) argument for gender disparity rests on data that a father gained “even an iota of outcome that the mother opposed” (p. 318).

However, these statements are simply false. Meier and Dickson (2017) do not commit any of these errors. They clearly defined and distinguished between “winning” and “custody loss.” They defined “custody loss” as occurring when a court “switches” sole custody from one parent to the other (p. 322, f.n. 55). They defined “winning” as occurring when a party obtains all or part of the relief requested by that party or defeats the opposing party’s request. Their example of “winning” was increased visitation (p. 322, fn. 55, f.n. 56). They analyzed win rates separately from full custody switches (pp. 324–326). They analyze their data by gender, PA allegations, abuse allegations, and the courts’ acceptance (which they term “crediting”) of the allegations, within the “win” and “custody switch” categories separately. Their analyses support their conclusions, while challenging PA activism that is linked to denial of fathers’ advantage in custody decisions. Robb’s claim that Meier and Dickson (2017) considered “an iota” of change to be a custody loss seeks to make their argument ridiculous by reducing it to absurdity. Such reduction is a classic, but illegitimate, rhetorical strategy that dismisses the validity of evidence and reasoning opposing a preferred position by falsely making a mockery of it.

VII. AD PERSONAM ATTACKS

Bernet (2020) accuses child and/or domestic violence researchers of making *ad personam* attacks on PA researchers. He cites accusations that Gardner was an “adherent” of pedophilia, and that Paul Fink, ex-President of the American Psychiatric Association, accused fathers’ rights groups of sexually abusing their children.

At the same time, some of the authors who have contributed to this issue themselves make *ad personam* attacks on child and/or domestic violence researchers. Lorandos (2020) attributes the opposition of Kathleen Faller, an APSAC leader, to Gardner’s work to her personal reaction to Gardner’s testimony against her in a civil lawsuit.

In a book chapter, Lorandos and Bone (2016) devoted several pages to listing professionals who challenge alienation theory and making harsh personal attacks on them. Three are professional women who are longstanding critics of the concept of alienation. They described one author’s critique as “true to the “Three Premises” of Idiot America.” (Lorandos & Bone, 2016, p. 218). They described another author as displaying “a frank desire to mislead readers” (Lorandos & Bone, 2016, p. 217). The third target complained formally to the publisher about the content and tone of the text targeting her. After further exchanges, the next edition of the book replaced the offending text with 2 ½ pages, which are blank apart from the words “Content Excluded.” This edition also added a page at the end of the book titled “Retraction Note,” which states “the publisher chose to exclude this text” (Lorandos & Bone, 2016, pp. 219–221, App. E1). We understand that the contents of “any settlement, or negotiation, or other actions [between the publisher and the target] remain confidential by agreement.”⁸ These types of attacks, rather than relying on reason, are simply a rhetorical strategy used to humiliate and smear critics in the eyes of the public and professional communities. In the case of the third individual targeted, not only did it fail, it appears to have also put the publisher at legal risk.

Another example goes beyond an *ad personam* attack on an individual and attacks groups. Bernet (2020, p. 302) supported an attack on feminists and child abuse scholars as a whole. Citing a PA advocate, Deirdre C. Rand, who alleged that feminists and child advocates favor “leading and suggestive interviews when abuse is suspected,” Bernet expressed his admiration by calling her article “important,” and cited her list of seven individuals “and others” whom she accuses of favoring

leading and suggestive interviews. However, Rand's allegation is patently false and has been for decades. All of the major organizations which train professionals on appropriate forensic interviewing techniques agree on the need for techniques that do not expose the child to leading questions (Faller, 2007). Moreover, they even developed a consensus statement to that effect (APSAC, 2012; Newlin et al., 2015). Further, several of the individuals Bernet and Rand attack are leaders in these organizations.

None of these accusations, even if factually true (and much of the above is not actually true), have anything to do with the legitimacy of these individuals' work, their criticisms of PAS/PAD/PA advocacy, or any other substantive issue. They are merely concealed forms of name-calling. *Ad personam* attacks are a time-honored form of insult, a rhetorical strategy to distract from the merits of an argument.

VIII. FUTURE RESEARCH

We now turn to research issues that could reduce the risk of misclassifying children who are abused, suffering from other kinds of parental mistreatment, or alienated.

A. SCIENTIFIC VALIDITY STUDIES

The first research need, as discussed above, is to conduct well-designed scientific validity studies (Saini et al., 2012, 2016) using specific clearly defined criteria for each category of childhood maltreatment that are not likely to be ambiguous to interpret (APSAC, 2016; Milchman, 2019a). Without scientifically valid identifying criteria, research cannot address any of the other issues that plague the field.

B. RELIABLE PREVALENCE DATA

Another pressing research issue is the lack of reliable prevalence data, which might seem mistaken because advocates claim that they have documented "hundreds of thousands of children and families" world-wide who suffer from PA (Bernet, 2013; Brockhausen, 2013; Dum, 2013; Lorandos et al., 2013). However, as noted above, their documentation consists primarily of anecdotal evidence without analysis of other potential causes of a parent-child estrangement and this is not scientific data, no matter how much of it there is. Scientific data documenting PA requires objective evidence that alternative causes of parent resistance and rejection have been objectively ruled out. The anecdotal evidence cited consists of unchallenged claims of alienation that do not objectively eliminate any alternative causes of parent rejection. To date there has not been one methodologically sound research study on the prevalence rates of alienation in child custody cases.

C. LONGITUDINAL RESEARCH

In the views of Milchman and Geffner, longitudinal research is needed to explore children's relationships with parents before, during, and after the family's breakup. Even if alienating behaviors were validly classified during the family's breakup or after it, it could not be interpreted accurately unless there were data pertaining to the relationship quality that preceded it. Children who did not have a positive pre-divorce relationship with a parent that they subsequently reject might well be rejecting them for legitimate reasons, and interpreting their rejection as alienation would misclassify them. It is also possible that the level of rejection post-breakup has decreased but that the rejected parent is more reactive to it because of his/her own insecurity and sense of loss. Claims by rejected

parents that pre-breakup relationships were satisfactory but have since deteriorated cannot be taken at face value. Children's perceptions of pre-breakup relationships also might be tainted since their understanding of relationship quality might be distorted. They might not recognize prior abusive behaviors as abnormal until they are in a safe environment. Objective data and ratings related to relationship quality and the interactions between each parent and the child must supplement children's descriptions and parents' self-reports before conclusions can be reached for the research study to be well-designed.

While Milchman and Geffner agree that a comprehensive child custody evaluation should, like a research study, include evidence of the child's pre-existing relationships with both parents – provided trustworthy corroborating or disconfirming evidence beyond the parents' and children's statements could be found – Meier questions whether objective evidence can realistically be found, given the complexity of finding and interpreting retrospective evidence. Milchman had a case in which a boy had been beaten severely enough to lead child protective services to deny contact with the father. Many years later the boy denied any abuse when he wanted to restore the relationship with his father, was angry at his mother for other reasons, and blamed her for disrupting his relationship with his father. In another case Milchman had, a three-year-old child returned from parenting time with her father with genital injuries that she attributed to abuse by her father. Child protective services substantiated the abuse. The father denied the abuse and said the mother was trying to alienate the child from him. The mother denied alienation and cited a history of cooperative parenting prior to the abuse allegation. Some of the experts disputed the coparenting history prior to the abuse allegation on the grounds that the documentation indicated compliance with the parenting schedule but did not reveal the mother's interference with smooth transitions. These examples indicate the complexity that is inherent in attempting not only to obtain objective retrospective data but to interpret it accurately.

We are concerned that PAS/PAD/PA claims that are accepted by the court risk being ill-founded, especially when they are used to rebut abuse claims and other causes have not been adequately ruled out. As research studies (Meier et al., 2019; Milchman, 2017b) and court decisions (Silberg & Dallam, 2019) have demonstrated, concerns that have arisen in our practices are not isolated or unique. It is sobering to think that retrospective evidence might not reduce the risk of misclassifying cases but might even increase it. Milchman and Geffner think the risk of misinterpretation can be reduced by conducting clinical interviews that probe the reasons for behavior in-depth. Meier believes that even in-depth clinical interviews do are not necessarily protect children from the implicit or explicit biases of evaluators (Haselschwerdt et al., 2011; Saunders et al., 2016) The value of retrospective data in clarifying the causes of resistance to or rejection of a parent warrants future research from a trauma-informed perspective (Geffner et al., 2009).

D. FALSE ABUSE ALLEGATIONS

“Suggestibility” has often been proposed to be the mechanism by which a false abuse allegation could be elicited (e.g., Ceci & Bruck, 1995; Klemfuss & Ceci, 2009; La Rooy, Lamb, & Pipe, 2009; London & Kulkofsky, 2010; McNally, 2005). This research demonstrated that it was possible to elicit false statements from children, especially young children, but for events that ranged in emotional content from neutral to no more than mildly upsetting. The authors do not know of any research that indicates that it is possible to elicit a plausible false abuse statement from a child against a loving parent. Recent research indicates that suggestibility has major limitations as an explanation for unfounded memories of abuse (Blizzard & Shaw, 2019; Brown, Schefflin, & Hammond, 1998; Cheit, 2014; Eisen, Quas, & Goodman, 2002; Faller, 2007; Goodman & Helgeson, 1985; Harris, Goodman, Augusti, Chae, & Alley, 2009; Malloy & Quas, 2009).

E. TREATMENT OUTCOMES

Research is also needed into outcome data pertaining to the effectiveness of court orders and proposed treatments, especially those that remove a child from a preferred parent and place the child with a possibly abusive or otherwise mistreating or incompetent parent (Mercer, 2019). Research designs must address the complexity in the family dynamics in these cases if they are to understand program successes and failures (Saini, 2019). Claims from program developers, testimonials from satisfied parents and even from children who might have been encouraged or coerced to state that they have benefited from the program (e.g., Templer, Matthewson, Haines, & Cox, 2017; Warshak, 2015) are insufficient. Research designs that are accepted for outcome studies should be used, and data from children and parents who are not satisfied should be included, as well as data documenting those who withdraw or drop out of the programs.

Overall, research studies need to move away from attempts to prove alienation is widespread, which leads to research designs that collect self-confirming data but do not consider disconfirming information. Such research is contaminated by confirmatory bias. It serves advocacy, not science.

IX. CONCLUSION

A commitment to furthering children's well-being and fairness in court requires us to understand complex family dynamics in divorce cases where one parent is alleged to be undermining the other parent's relationship with their child, especially where child abuse and/or domestic violence are also alleged. This goal is not advanced by misleading rhetorical strategies. Research in this field might advance further and more quickly if concrete measures were taken to decrease polarizing rhetoric and ideology. In addition, it is important to note that it is problematic to use diagnoses or evaluative labels such as PAS/PAD/PA in child custody cases when resistance or rejection of a parent by a child occurs, rather than observable behaviors and evidence to describe the functioning of all parties. To this end, we offer several suggestions.

First, journals should not publish articles with illegitimate rhetorical strategies to persuade readers of their positions. Reviewers should be instructed to identify instances of mere rhetoric and request the author to revise and resubmit. Second, reviewers should be suspicious of claims that are based on rhetoric. They should ask the authors to document the specific source of the *ad personam* claims so they can be carefully fact-checked. If the claim survives fact-checking, then reviewers should require the author to demonstrate the relevance of the rhetorical claim to the merits of the argument upon which they are casting doubt. These suggestions are basic and fundamental to good scholarship; they should not be controversial for any peer-reviewed journal.

Third, and more of a stretch, we agree with Bernet's suggestions in this issue that researchers should collaborate on scholarly projects to address the main questions noted above in order to replace reliance on mere labels with actual empirical evidence that could help explain the dynamics and behaviors of children who resist or reject a parent. Perhaps in light of Warshak's acknowledgment of the danger of false positives, a task force could be constituted to identify research designs that could, most urgently, establish scientific validity for assessment criteria to reduce the risk of misclassifying abuse and domestic violence cases as alienation cases. Such an approach, if it could be agreed upon, might help move this dialogue forward, reduce the weaponization of PA and PA claims, and most importantly, help children by helping courts make decisions based on the evidence and reasoning in each case before it, rather than being swayed by rhetorical appeals of any kind.

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ENDNOTES

1. The organizations who signed this *Brief* are The Domestic Violence Legal Empowerment and Appeals Project, APSAC, Battered Mothers Custody Conference, Battered Women's Justice Project, California Protective Parents Association, Center for Judicial Excellence, Child USA, Human Rights At Home Clinic at the University of Massachusetts School of Law, Family Violence Appellate Project, Institute on Violence, Abuse and Trauma, The Leadership Council on Child Abuse & Interpersonal Violence, Legal Momentum, National Association of Women Lawyers, National Organization For Men Against Sexism, New York Legal Assistance Group, Sanctuary for Families, and the Women's Law Project. In addition, two law professors, Jaya L. Connors, Esq., and Margaret B. Drew, Esq. signed on. (DV LEAP et al., 2019).
2. The NYS Court of Appeals refused to hear the case, without explanation.
3. American Academy of Child and Adolescent Psychiatry (AACAP, 1997), American Academy of Matrimonial Lawyers (AAML, 2011), American Academy of Pediatrics (AAP, 2016), the American Bar Association (ABA, 1991, 2013) [Author: ABA, 1991, 2013. has not been included in the Reference List, please supply full publication] details, American Psychiatric Association (APA, 2013), American Psychological Association (APA, 2012), Association of Family and Conciliation Courts (AFCC, 2006), and American Professional Society on the Abuse of Children (APSAC, 2016).
4. There is no publication date on this position paper, but it is referenced in the APSAC (2016) *Practice Guidelines: The Investigation and Determination of Suspected Psychological Maltreatment of Children and Adolescents*, p. 1, fn. 2.
5. Comments by D. Corwin, M.D., APSAC President, and K. C. Faller, Ph.D., A.C.S.W. D.C.S.W., Member-At-Large, APSAC Board; Member, Executive Committee; Chair, Practice Guidelines Committee; Chair, Publications Committee at a panel presentation on "Parental Alienation: Controversies Regarding Parental Alienation: What is it and What Does the Research Tell Us?" APSAC Colloquium, 6/22/19.
6. (<https://www.apsac.org/amicus>).
7. (<https://sites.google.com/site/centralohiopa/american-academy-of-pediatrics-clinical-report>).
8. Electronic Communication to Joan Meier, September 27, 2019.

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