



The legitimization and institutionalization of 'parental alienation' in the Province of Quebec

Simon Lapierre, Patrick Ladouceur, Michèle Frenette & Isabelle Côté

To cite this article: Simon Lapierre, Patrick Ladouceur, Michèle Frenette & Isabelle Côté (2020): The legitimization and institutionalization of 'parental alienation' in the Province of Quebec, Journal of Social Welfare and Family Law, DOI: [10.1080/09649069.2019.1701922](https://doi.org/10.1080/09649069.2019.1701922)

To link to this article: <https://doi.org/10.1080/09649069.2019.1701922>



Published online: 07 Jan 2020.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)

ARTICLE



The legitimization and institutionalization of 'parental alienation' in the Province of Quebec

Simon Lapierre^a, Patrick Ladouceur^a, Michèle Frenette^a and Isabelle Côté^b

^aSchool of Social Work, University of Ottawa, Ottawa, Canada; ^bSchool of Social Work, Laurentian University, Sudbury, Canada

ABSTRACT

This article examines the legitimization and institutionalization of 'parental alienation' discourse in the Province of Quebec, Canada. It draws upon an analysis of 31 documents (legislation, research reports and articles, training documents, professional documents and media articles) and interviews with 13 key informants, who were selected based on their knowledge of 'parental alienation' in research, policies or practices. The research findings reveal that the legitimization and institutionalization of 'parental alienation' discourse is a more recent process than in other provinces and countries, but that it has now permeated child custody as well as child protection proceedings. Academic researchers and media have been instrumental in this legitimization and institutionalization process, while the role played by changes to child protection policies is more ambiguous. The findings reveal researchers' and experts' tendency to distance themselves from Gardner's controversial work on 'parental alienation syndrome' and to address the critiques by proposing new approaches and new concepts. However, the terms 'parental alienation syndrome', 'parental alienation' and 'alienating behaviours' are often used interchangeably, and assessment practices tend to rely on similar indicators.

KEYWORDS

Parental alienation; domestic violence; violence against women; child protection; child custody; feminist critical discourse analysis

Introduction

Over the last few decades, experts in different fields have criticized the literature on 'parental alienation', as well as practices that draw upon this literature. These experts have highlighted the problematic theoretical and empirical foundations of this concept, and have demonstrated that such practices disproportionately label mothers as the 'alienating' parent (Faller 1998, Meier 2009, 2020, Rand 2010, Walker and Shapiro 2010). They have also raised concerns regarding its use in situations where violence has been perpetrated, as it could dismiss women's and children's claims as 'false allegations' and therefore ignore men's violence and its impacts on both women's and children's safety and well-being (Meier 2009, Lapierre and Côté 2016).

Despite these critiques, the concept of 'parental alienation' is commonly used by researchers and professionals, including psychologists, social workers and lawyers (Harris 2014, Doughty *et al.* 2020, Barnett 2020, Rathus 2020, Feresin 2020, Casas Vila 2020). In the Province of Quebec, Canada, a recent study that investigated custody cases dealing with

'parental alienation' in 2016 provided five indications that 'parental alienation' has been popularized and normalized in the family court (Zaccour 2017). First, this issue was identified in 63 custody cases within a 12-month period. This is a significant number given that Bala *et al.* (2010) found 175 cases across Canada between 1989 and 2008. Moreover, Zaccour's study noted that judges sometimes raise this issue on their own initiative, that the Court of Appeal engages with this issue, and that 'parental alienation' is never presented as a contested theory, concept or legal tool. It also noted that 'parental alienation' is mentioned as one of the main criteria to assess whether shared custody is possible. Another study conducted in 30 domestic violence shelters across Quebec demonstrated that a growing number of abused women are being accused, or threatened that they will be accused, of 'parental alienation' (Lapierre and Côté 2016). Such accusations had primarily come from the women's former partners and from professionals in family court and child protection services.

This article examines the legitimization and institutionalization of 'parental alienation' discourse in Quebec. It draws upon the findings from a study conducted in two Canadian provinces in order to better understand the processes through which abused women are seen as engaging in 'parental alienation'. This article is divided into four sections, beginning with a presentation of the study and its theoretical and methodological framework. The following sections look at the process through which 'parental alienation' was legitimized and institutionalized, and at the main components of 'parental alienation' discourse in this province. The last section discusses different strategies to challenge this discourse.

The study

This article presents findings from a study funded by the Canadian Social Sciences and Humanities Research Council, which investigated 'parental alienation' in the context of domestic violence in the provinces of Quebec and Ontario, Canada. This study was approved by the University of Ottawa's Research Ethics Board, and the research team complied with all the ethical requirements.

Feminist critical discourse analysis, which connects critical discourse analysis and feminist studies, was the theoretical and methodological framework used in this study (Lazar 2005). In this analytical process, researchers select diverse methods that are commonly used in social sciences in order to provide insights into how gender-based power relations and patriarchal domination are reproduced through texts and talks (Lazar 2005, Azzopardi 2015). Samples tend to be purposely selected in order to develop semiotic points of entry into the investigated phenomenon (Fairclough 2010). This study was based on a mixed-method design and data were collected from multiple sources, including texts (policy documents, case files and court reports) and talks (interviews with key informants and abused women).

The findings presented in this article draw upon a documentary analysis and on interviews conducted with key informants in Quebec. The documentary analysis focused on 31 documents, including legislation, research reports and articles, training documents, professional documents and media articles (see Table 1). All the documents were published in French in Quebec, and addressed the issue of 'parental alienation'.¹ Initially, 72 documents were identified through a Google search and through a more targeted search in various websites. A few additional documents were identified while reading the first documents and during the interviews with key informants. The research team read all the materials and agreed to discard documents that were not relevant, mainly because they mentioned

Table 1. Documentary Analysis

#	Authors	Date	Original Title	Translated Title in English	Type of Document*
1	Asselin	2010	La notion d'aliénation parentale (AP) ainsi que son syndrome (SAP) : bibliographie sélective	Parental Alienation and Parental Alienation Syndrome: Selected References	Research
2	Barreau du Québec	2006	La représentation des enfants par avocat dix ans plus tard	The Representation of Children by Lawyer - 10 Years Later	Professional
3	Barreau du Québec	2009	Projet de loi C-422 – Loi modifiant la Loi sur le divorce (partage égal du rôle parental) et d'autres lois en conséquence	Bill C-422 - An Act to Amend the Divorce Act (Equal Parenting) and Amendments to Other Acts	Professional
4	Barreau du Québec	2014	Projet de loi C-560 – Loi modifiant la Loi sur le divorce (partage égal du rôle parental) et d'autres lois en conséquence	Bill C-569 - An Act to Amend the Divorce Act (Equal Parenting) and Amendments to Other Acts	Professional
5	Bouchard et al.	2015	La face cachée de la séparation	The Hidden Face of Separation	Research
6	Cloutier	2006	Le syndrome d'aliénation parentale en contexte de conflit sur la garde de l'enfant	Parental Alienation Syndrome in Custody Litigation	Research
7	Deslauriers	2002	La paternité à la suite d'une séparation	Fatherhood Following Separation	Research
8	Deslauriers	2013	Le point de vue des pères avant des difficultés d'accès à la suite d'une rupture d'union et évaluation des services de l'organisme Pères séparés	Fathers' Perspectives on Difficulties with Child Custody and Access and Evaluation of Services Offered by the Organization Pères Séparés	Research
9	Fédération des maisons d'hébergement pour femmes & Lapierre	2013	L'intervention des services de protection de la jeunesse en contexte de violence conjugale	The Work of Child Protection Services in Domestic Violence Situations	Research
10	Gagné et al.	2008	Points de vue sur l'aliénation parentale	Perspectives on Parental Alienation	Research
11	Gagné et al.	2011	Les manifestations d'aliénation parentale dans les situations évaluées en protection de la jeunesse	Parental Alienation in Child Protection Assessments	Research
12	Gagné & Lachance	2013	Trousse de soutien à l'évaluation du risque d'aliénation parentale (Power Point)	Parental Alienation Risk Assessment Toolkit (Power Point)	Training
13	Gagnon	2019	Violence conjugale : quand on punit la victime	Domestic Violence: When we Punish the Victim	Media
14	Institut d'excellence en santé et services sociaux	2016	Les mauvais traitements psychologiques, un mal silencieux	Psychological Ill-Treatment: A Silent Harm	Professional
15	Comité interministériel sur les services de supervision des droits d'accès	2014	Droits d'accès	Access Rights	Professional
16	Gouvernement du Québec	2006	Loi sur la protection de la jeunesse	Youth Protection Act	Legislation
17	Gold-Greenberg & Worenklein	2001	L'aliénation parentale, un défi légal et clinique pour les psychologues	Parental Alienation - A Legal and Clinical Challenges for Psychologists	Professional

(Continued)



Table 1. (Continued).

#	Authors	Date	Original Title	Translated Title in English	Type of Document*
18	Joyal	2002	Le point de vue de l'enfant et les litiges de garde. Pratiques et perceptions d'avocats	Children's Perspectives and Child Custody Litigation. Lawyers' Practices and Perspectives	Research
19	Lachance & Gagné	2014	Trousse de soutien à l'évaluation du risque d'aliénation parentale	Parental Alienation Risk Assessment Toolkit	Professional
20	Lamontagne	1992	Syndrome d'aliénation parentale : contexte et pièges de l'intervention	The Parental Alienation Syndrome: Context and Assessment Challenges	Professional
21	Lapierre & Côté	2014	Pourquoi il faut s'inquiéter du buzz autour de l'aliénation parentale	Why we must be worried about the Hype around Parental Alienation	Media
22	Lessard	2012	La violence conjugale : une chicane de grands qui affecte beaucoup les enfants	Domestic Violence: A Conflict that Affects Children	Training
23	Malo et al.	2011	Les mauvais traitements psychologiques envers les enfants au Québec	Child Psychological Ill-Treatment in Quebec	Training
24	Malo & Rivard	2013	Aliénation parentale et exposition aux conflits sévères de séparation - Où en sommes-nous	Parental Alienation & High Conflict Separation – Where are we at ?	Research
25	Malboeuf	2014	Parents en guerre	Parents at War	Media
26	Radio-Canada	2018	Aliénation parentale : quand les enfants rejettent les parents	Parental Alienation: When Children Reject Their Parents	Media
27	Réseau universitaire intégré jeunesse	2012	Rapport final	Final Report	Research
28	Tétrault	N/A	La garde partagée : de la légende urbaine à la réalité	Shared Custody: From Urban Legend to Reality	Professional
29	Vaillancourt	2001	Quand un enfant se sent obligé de choisir un parent... des laboratoires naturels pour étudier l'aliénation parentale	When a Child Feels the Need to Choose a Parent... Two Natural Laboratories to Study Parental Alienation	Research
30	Vaillancourt	2008	Perdre son identité. Points de vue sur l'aliénation parentale	Lost Identity. Perspectives on Parental Alienation	Research
31	Van Gijsegem	2016	Facteurs contribuant à l'aliénation parentale	Factors Contributing to Parental Alienation	Research
32	Zaccour	2019	Un homme violent n'est pas un bon père	A Violent Man is Not a Good Father	Media

‘parental alienation’ once or twice without definition or further explanation. Master’s degree and doctoral theses were also excluded.

Interview transcripts offer a rich source of data as discourses are reflected in the language choices and in the subjective interpretations of participants (Fairclough 1995). Therefore, semi-structured individual interviews were conducted with 13 key informants selected based on their knowledge of ‘parental alienation’ in research, policies or practices. The sample included one researcher, one ‘parental alienation’ advocate, two lawyers, two child custody experts, three child protection supervisors, one child protection trainer and three representatives of the domestic violence sector. The first key informants were identified by the research team, and snowball sampling was used to identify additional key informants. The interviews lasted 45 minutes on average, and explored the key informants’ views on ‘parental alienation’, on the links between ‘parental alienation’ and domestic violence, and on policies and practices in this area. All the interviews were transcribed (verbatim).

Data analysis was conducted according to Fairclough’s (1995, 2010) method, which considers three inter-related dimensions of discourse: the object of analysis, including texts and talks; the processes by which the object is produced and received by human subjects; and the socio-historical conditions that govern these processes. Linking the micro-analysis of texts and talks to the macro-analysis of social context requires three different but intersecting levels of data analyses: text analysis, process analysis and social analysis. First, the text analysis focused on the ways the ‘parental alienation’ was named and described in the documents and in the key informants’ accounts. Second, the process analysis looked beyond the content and examined the specific context in which texts and talks were produced. For instance, it looked at who produced the documents and when they were published. Intertextuality was also examined at this stage. Finally, the social analysis focuses on the broader socio-historical context, analyzing the ideologies and the power relations at play in the legitimization and institutionalization of ‘parental alienation’ discourse. The quotes presented in this article were translated from French into English by the research team.

Finally, it should be noted that the findings presented in this article focused only on one province, and drew upon a limited number of key informants and documents.

The legitimization and institutionalization of ‘parental alienation’

Recourse to ‘parental alienation’ is not an entirely new phenomenon in Quebec. The study showed that several documents addressing this issue were published in the 1990s and early 2000s (Documents #2, #6, #7, #17, #20), and this key informant noted that it has long been used in family court:

It is in my practice of family law, in the 1980s, that I first heard of parental alienation. (Key informant #10, Lawyer)

Nonetheless, all the key informants agreed that recourse to ‘parental alienation’ has been much more frequent in the last decade and that it is no longer limited to family court. In fact, the research findings suggest that ‘parental alienation’ is now commonly used in both family court and child protection services, as illustrated in the following quotes:

Now, in family court I find that we are too quick to label children's behaviours towards one parent as being parental alienation when it is not the case. (Key informant #11, Lawyer)

Increasingly, we can see that when a woman tries to protect her children . . . we will easily conclude that she is alienating or trying to alienate her children. Unfortunately, the accusations often come from child protection workers. (Key informant #4, Representative from the Domestic Violence Sector)

In this regard it could be argued that, within the last ten years, what was previously a latent discourse has now become legitimized and institutionalized. The study identified the following three mechanisms that have contributed to the legitimization and institutionalization of the 'parental alienation' discourse in the province: development of academic research, modifications to child protection policies, and growing media coverage.

Development of academic research

In Quebec, academic research on 'parental alienation' and 'high conflict' has developed significantly over the last decade. Two researchers have been particularly influential in this area, contributing to the legitimization and institutionalization of the 'parental alienation' discourse. The first researcher, Claire Malo, works in a research institute affiliated with the main child protection agency in Montreal and with the University of Montreal. In the early 2010s, she led a taskforce on 'parental alienation' and 'high conflict', and co-authored a report that summarized the work and recommendations of this taskforce (Document #24). In the introduction to this influential report, the authors explain that this taskforce was created because 'several front-line workers feel fairly overwhelmed when they face situations where both parents have contradictory versions of events even though it looks like they could both tell the truth' (p. 1). The second researcher, Marie-Hélène Gagné, is Professor of Psychology at Laval University. She developed and published, with a colleague, a toolkit to help professionals assess the risk of 'parental alienation' (Document #19, see also Documents #5, #12, #28, #29). This toolkit, which is available online, includes a manual, an interview guide, a list of indicators and a decision tree.

The influential role played by these two researchers was demonstrated by the fact that their work was cited in several documents and was mentioned by several key informants, as illustrated in the following quotes:

In Quebec, Marie-Hélène Gagné and Claire Malo are the two researchers with whom I relate the most, due to their conceptualization of parental alienation and high conflict. (Key informant #3, Child Custody Expert)

Claire Malo and her team did a lot of research on parental alienation and high conflict in Quebec. Malo's team has also published a practical guide for child protection workers, which includes a list of questions to ask our clients in order to gather as much information as possible about the family dynamic and the impact of parental alienation. (Key informant #6, Child Protection Supervisor).

The fact that their work was conducted in partnership with child protection agencies and that it led to the development of intervention tools and training programs seems to have facilitated its integration in front-line workers' practices. It could also explain the institutionalization of 'parental alienation' discourse in child protection services.

Modifications to child protection policies

In 2006, the Government of Quebec adopted a number of significant changes to the Youth Protection Act, the main legislation governing child protection work in the province, which were implemented the following year. One of these changes was the introduction of ‘psychological ill-treatment’ as a form of abuse that may compromise children’s safety and development. According to the Act, ‘psychological ill-treatment’ refers to:

A situation in which a child is seriously or repeatedly subjected to behaviour on the part of the child’s parents or another person that could cause harm to the child, and the child’s parents fail to take the necessary steps to put an end to the situation. Such behaviour includes in particular indifference, denigration, emotional rejection, excessive control, isolation, threats, exploitation, particularly if the child is forced to do work disproportionate to the child’s capacity, and exposure to conjugal or domestic violence. (Document #16, p. 19)

Even though this definition makes no explicit or implicit reference to ‘parental alienation’, the researchers and professionals who took part in this study argued that ‘parental alienation’ was formally recognized through the introduction of ‘psychological ill-treatment’ in the legislation. In fact, this modification to the Youth Protection Act has been commonly used to legitimize recourse to ‘parental alienation’ in both research and practices, as illustrated in the following quote:

Now, parental alienation is found in the law, as it relates to the amendment of Youth Protection Act in 2007, where ‘psychological ill-treatment’ was introduced. (Key informant #5, Child Protection Trainer)

A similar example can be found in the report published by Malo and her colleague, which stated that ‘following the modifications to the Youth Protection Act and the introduction of the “psychological ill-treatment” category, situations of parental alienation became a new clinical reality posing particular challenges to front-line child protection workers’ (Document #24, p. 1, see also Document #23).

Growing media coverage

Over the last decade, the issue of ‘parental alienation’ attracted considerable attention in mainstream media. In 2014, one of the most popular newspapers in the province published a series of 12 articles entitled ‘parents at war’ (Document #25). These articles cited, amongst others, Gagné and Malo as experts on ‘parental alienation’. In an article entitled ‘divorcing a parent’, the author explained that:

It is catastrophic when a child who witnessed the separation of his parents decides to reject his father or his mother. Some children are pushed to act that way by their preferred parent: a psychological kidnapping that is called ‘parental alienation’. Other children have not been brainwashed but choose to side with one parent. (Document #25)

Similarly, in 2018, a discussion panel on the topic ‘parental alienation’ was organized by the public broadcaster (Radio-Canada) on ‘Parental Alienation Awareness Day’. According to the website, ‘when a child has to choose where he wants to live or when a parent encourages the child to denigrate or exclude the other parent, it is parental alienation’ (Document #26).

The research findings showed that, even though newspapers have published a few articles proposing a more critical perspective on this issue (Documents #13, #21, #31), ‘parental alienation’ is generally presented in mainstream medias as an uncontested theory or concept.

Main components of the ‘parental alienation’ discourse

This section examines what was said about ‘parental alienation’ in the documents and during the interviews with key informants, in order to identify the main components of ‘parental alienation’ discourse. First, it looks at different terms that were used to describe this issue, including ‘parental alienation syndrome’, ‘parental alienation’ and ‘alienating behaviours’. It then addresses the links between ‘parental alienation’ and ‘high conflict’, the gendered nature of ‘parental alienation’, the importance of father-child contact, and alleged false allegations of child sexual abuse and domestic violence.

‘Parental alienation syndrome’, ‘parental alienation’ or ‘alienating behaviours’?

Several documents referenced Gardner’s (1987, 1999, 2002) controversial work on ‘parental alienation syndrome’, and some drew uncritically upon his work (Documents #8, #11, #17, #20). However, there was a tendency in the more recent documents and amongst the key informants to distance themselves from Gardner’s work and his conceptualization of ‘parental alienation’ as a syndrome or a psychiatric disorder. For instance, Malo’s report mentions that the taskforce decided ‘to reject, like many authors, the conceptualization of parental alienation as a syndrome’ (Document #24, p. 2).

In the selected documents, ‘parental alienation’ was mainly defined in systemic terms, as a ‘dysfunctional family dynamic’ that involves an ‘alienating parent’, an ‘alienated child’ and a ‘rejected parent’ (Documents #12, #19, #10). This was also the main definition that emerged in the key informants’ accounts, as illustrated in the following quote:

Parental alienation refers to both the parent’s alienating behaviours and their effects on the child. (Key informant #2, Researcher)

The research findings identified two approaches to understanding and assessing ‘parental alienation’. While the ‘dichotomic approach’ requires a determination of the presence (or absence) of a dynamic of ‘parental alienation’, the ‘continuum approach’ refers to the identification of ‘alienating behaviours’ that may increase the risk of ‘parental alienation’ (Document #12). In this regard, the term ‘alienating behaviours’ was recurrent in the documents and in the key informants’ accounts, seemingly reflecting the ‘continuum’ approach. Moreover, several key informants argued that it is easier to use ‘alienating behaviours’ than ‘parental alienation’, because it does not require a thorough assessment of family dynamics and does not require the child to be ‘alienated’ or to have totally rejected the targeted parent. It is also appealing to child protection front-line workers and lawyers, as ‘alienating behaviours’ can be presented as facts based on objective observations, and are therefore less likely to be challenged in court. The following quote illustrates one key informant’s views on this issue:

Parental alienation refers to both alienating behaviours and the impact of these behaviours on the child . . . It is often one or the other, so that’s why it is so confusing. So alienating

behaviours are the behaviours of the parent who wants the child to reject the other parent. (Key informant #6, Child Protection Supervisor)

In the following quote, a researcher whose work had focused on ‘parental alienation’ now claimed that ‘parental alienation’ is a ‘dangerous’ concept and that it should be replaced by ‘alienating behaviours’:

In research, parental alienation is a vast concept. In practice, once again, it is a dangerous concept. Personally, I think we should reject this concept and talk about behaviours that may be alienating, which can be displayed by one parent or by both parents. (Key informant #2, Researcher)

Despite these attempts to distinguish ‘parental alienation syndrome’, ‘parental alienation’ and ‘alienating behaviours’, the research findings revealed that some documents and most key informants did not make such distinctions. In fact, these three concepts were often used interchangeably in the documents and in the key informants’ accounts. Moreover, it should be noted that similar definitions were provided and very similar indicators were proposed to assess the ‘parental alienation syndrome’, ‘parental alienation’ and ‘alienating behaviours’. For instance, the indicators provided in the toolkit developed by Gagné and her colleague to assess the risk of ‘parental alienation’ are similar to Gardner’s (1987) indicators of ‘parental alienation syndrome’ (see Document #12).

Finally, some key informants explained that other terms could be used to designate situations that are understood as ‘parental alienation’. In this regard, a few key informants insisted that a diagnostic is required to talk about ‘parental alienation’, as illustrated in the following quote:

Because parental alienation is a diagnosis, we cannot say it is there per se. However, we can talk about the impacts of alienation on an alienated child. We will say it without using the term parental alienation, because it is really a diagnosis. We will also identify behaviours that are similar to parental alienation, a parent’s behaviours that contaminate the child against the other parent. (Key informant #12, Child Protection Supervisor)

Other key informants recognized that there is no reference to ‘parental alienation’ in the Youth Protection Act, and explained that child protection front-line workers would therefore use other terms to designate situations that they still understand as ‘parental alienation’, as illustrated in the following quote:

In our child protection agency, we try not to use the term ‘parental alienation’. We use terms such as ‘domestic violence’, ‘post-separation conflict’ and ‘psychological ill-treatment’ instead of ‘parental alienation’... Because in our view ‘parental alienation’ has not been clearly defined, whereas ‘psychological ill-treatment’ is defined in the legislation. The concept of ‘parental alienation’ does not exist in the legislation, and we work according to the legislation. (Key informant #12, child Protection Supervisor)

‘Parental alienation’ and ‘high conflict’

The research findings from both the documentary analysis and the key informants revealed that ‘parental alienation’ is generally identified during the separation process in ‘high conflict’ cases. This phrase refers to situations where parents engage in enduring conflicts regarding primarily child custody and contact. This context is often seen as fostering the

emergence of ‘alienating behaviours’ and increasing the risk of ‘parental alienation’ (Documents #6, #10, #11).

In a document on psychological ill-treatment, the Provincial Board of Youth Protection Directors explained when children’s exposure to ‘high conflict’ becomes a form of child abuse. Whilst there is no explicit reference to ‘parental alienation’, it stated that ‘exposure to high conflict is considered to be a form of child psychological ill-treatment when . . . one parent uses the child to harm or denigrate the other parent’ (Document #21, p. 4). In the key informants’ accounts, ‘parental alienation’ and ‘high conflict’ were sometimes used interchangeably, as illustrated in the following quotes:

High conflict, in my opinion, is when a parent has behaviours leading to alienation. The parent, in the background, tries to have the child take a stand. Then the parent will try to limit the child’s relationship with the other parent. (Key informant #3, Child Custody Expert)

Parental alienation happens when a parent tries to exclude the other parent from the child’s life . . . by exposing the child to conflicts with the intention to exclude the other parent. The child experiences conflicting loyalties. (Key informant #8, Child Protection Supervisor).

‘Alienating’ parents or ‘alienating’ mothers?

Even though the documents and the key informants often used gender-neutral language and talked about ‘alienating parents’, the research findings revealed the gendered nature of ‘parental alienation’ discourse. Indeed, the examples provided in the documents and in the key informants’ accounts generally involved an ‘alienating’ mother and a ‘rejected’ father, as illustrated in the following quote:

I have seen many children who cut the bond with a parent, due to the alienation caused by their mothers. (Key informant #12, Child Protection Supervisor)

Similarly, a newspaper article entitled ‘divorcing a parent’ started with the following story: ‘The two girls called their father “bin laden”. Their mother swore that he was the worst monster, that he had sexually assaulted them and that he did not like them’ (Document #33). Even though some key informants mentioned that fathers can also engage in ‘parental alienation’, this was always a secondary point.

The research findings presented in the following sections clearly demonstrate the gendered nature of ‘parental alienation’ discourse, as it promotes father-child contact and focuses on women’s false allegation of child sexual abuse and domestic violence. The documents and the key informants did not emphasize the importance of mother-child relationships and were silent about men’s false allegations or men’s denial of their own violent behaviours.

Maintaining father-child contact in all circumstances?

The research findings revealed that ‘parental alienation’ discourse is associated with a discourse that emphasises the importance of father-child relationships in child development. As illustrated in the following quotes, the key informants valued shared custody and father-child contact in the post-separation period:

Being in contact with both parents is a pillar of child development. When a child loses one of these relationships, his development is compromised. (Key informant #5, Child Protection Trainer)

If the father is not abusive towards the child, there is no reason to limit contact. (Key informant #10, Lawyer)

In this context, women who do not support father-child relationships or try to limit father-child contact may be seen as engaging in ‘parental alienation’. Children’s rejection of their fathers was also seen as an indicator of ‘parental alienation’. The documents and key informants recognized that there may be valid reasons not to support father-child relationships or to limit father-child contact. Child abuse and exposure to domestic violence were generally identified as valid reasons to limit father-child contact, as illustrated in the following quote:

If there is a child who refuses to see the other parent because the child has been exposed to domestic violence and fears for his safety . . . These are valid reasons that, in my view, justify and are in the best interest of the child. (Key informant #3, Child Custody Expert)

Paradoxically, the documents also identified domestic violence as a context that fosters the emergence of ‘alienating behaviours’ and increases the risk of ‘parental alienation’ (Documents #11, #12, #19, #22, #23, #24) and did not clearly state when it is appropriate to talk about ‘parental alienation’ in such circumstances. The key informants’ accounts showed that ‘parental alienation’ had been identified in families with a history of domestic violence, as illustrated in the following quote:

We had to start with supervised contact with the father. We started with one-hour visits, and we were not even able to manage one-hour visits with this child, because the child stayed stuck to the worker and would not leave her side. The child did not even want to look at his father, did not want to talk to him, did not want to have anything to do with him. This was a pretty heavy case, which started with domestic violence and ended up with parental alienation and psychological ill-treatment. (Key informant #8, Child Protection Supervisor)

Furthermore, the documents did not provide indications on how to distinguish between ‘high conflict’ and domestic violence, and these two terms were sometimes used interchangeably in the key informants’ accounts. The research findings also showed that the key informants tended to draw on a restrictive definition of domestic violence. As illustrated in the following quote, this restrictive definition excluded manifestations other than physical abuse:

When we talk about physical violence, domestic violence, it is a problem that we need to take into consideration, because there might be valid reasons that mean that we need to distance a child from the parent. (Key informant #5, Child Protection Trainer)

Moreover, there was also evidence that post-separation violence was generally ignored in the key informants’ understanding of ‘parental alienation’ and in their promotion of father-child contact. The following quote suggests that domestic violence can only occur when the parents still live together:

In situations of domestic violence, there is often the mother who is accused of parental alienation when she tries to protect herself and to protect the child. Generally, we do not talk about parental alienation when the parents are still together. (Key informant #2, Researcher)

False allegations of child sexual abuse and domestic violence

Typically, ‘parental alienation’ has been associated with women’s and children’s false allegations of child sexual abuse, and this issue was addressed in different ways in the documents and in the key informants’ accounts. On the one hand, there appears to be some recognition that false allegations of child sexual abuse are not a frequent problem, and some documents mentioned that professionals ought to be careful when concluding that allegations of child sexual abuse are false and the result of ‘parental alienation’ (Documents #11, #12, #19). On the other hand, key informants made references to women’s and children’s false allegations of child sexual abuse when defining ‘parental alienation’ and providing examples of situations involving ‘parental alienation’, as illustrated in the following quote:

In my own words, parental alienation happens when a parent clearly wants to exclude the other parent from the child’s life by making false allegations. The parent fabricates, for example, child sexual or physical abuse. (Key informant #5, Child protection Trainer)

In contrast, there is no cautionary note in the documents for professionals who would conclude that allegations of domestic violence are false and the result of ‘parental alienation’. Several key informants talked about women’s false allegations of domestic violence as a widespread phenomenon, as illustrated in the following quotes:

There is domestic violence. Some women experience domestic violence, but there are also a lot of false allegations. (Key informant #8, Child Protection Supervisor)

With regard to domestic violence, there are often false allegations. Men who end up with criminal records ... And it’s all lies. Everything is possible when there is a dynamic of parental alienation. We say that all’s fair in these situations. (Key informant #1, Parental Alienation Advocate)

Discussion

The research findings presented in this article provided an insight into the legitimization and institutionalization of the ‘parental alienation’ discourse in Quebec over the last ten years. This seems to be a more recent process than in other provinces and countries, which could be due to language barriers and to the limited literature on this issue available in French. Moreover, while the international literature on ‘parental alienation’ focuses on family court (Faller 1998, Kelly and Johnston 2001, Walker and Shapiro 2010, Neilson 2018), the research findings showed that this discourse has also permeated child protection services in this province.

Over the last few decades, different strategies have been considered in order to limit the recourse to ‘parental alienation’ and to minimize the negative impacts on women and children (Meier 2009, Zaccour 2017). These strategies included exposing the flaws in Gardner’s work, resisting its inclusion in policies, or adopting policies and guidelines that prohibit or restrict its use. In order to be effective, such strategies must take into account the main components of ‘parental alienation’ discourse and the processes that legitimize this discourse in specific contexts.

While the research findings demonstrated that academic researchers have been instrumental in this legitimization and institutionalization process, the role played by the

modifications to child protection policies is more ambiguous. Even though there is no explicit or implicit reference to 'parental alienation' in the Youth Protection Act, key informants argued that this issue was formally recognized and legitimized through the introduction of 'psychological ill-treatment' in the legislation.

The research findings revealed a tendency in the documents and amongst the key informants to distance themselves from Gardner's (1985, 1987, 1999) controversial work on 'parental alienation syndrome' and make attempts to address the critiques by proposing new approaches and new concepts. This reflects a more general trend in the international literature, as several authors have proposed 'new' ways to understand and assess 'parental alienation' (Kelly and Johnston 2001, Baker 2007, Walker and Shapiro 2010). Nonetheless, the research findings suggest that the terms 'parental alienation syndrome', 'parental alienation' and 'alienating behaviours' are often used interchangeably, and that their assessment tends to rely on similar indicators. Professionals can even use different terms to designate situations that they still see as 'parental alienation'. Therefore, the 'new' approaches and concepts did not lead to fundamental changes in 'parental alienation' discourse. In fact, it continues to be a gendered discourse that locates the issue in 'high conflict' cases, focusing primarily on women's 'alienating' behaviours and the lack of father-child contact, as well as women's and children's false allegations of men's violence.

Overall, these research findings suggest that drawing attention to the problems associated with Gardner's work on 'parental alienation syndrome', opposing the inclusion of 'parental alienation' in policies and adopting policies that prohibit its use is not sufficient to eradicate reliance on 'parental alienation' in family court and child protection practices. In this context, professionals may use different terms to designate situations that they still understand as 'parental alienation' and make exactly the same recommendations, making it even more difficult to document the problem. In this regard, the research findings suggest that the move towards a continuum approach and the focus on 'alienating behaviours' may have resulted in a growing number of women being seen as 'alienating' parents without even a thorough assessment of the family dynamics.

Attempts to clarify what 'parental alienation' is and when it should or should not be used may also have limited impact in practice. Indeed, the research findings showed that even though several documents and key informants noted that 'parental alienation' should not be used in domestic violence situations, abused women are still seen as engaging in 'parental alienation'. This reflects a limited understanding of domestic violence, which defines it as excluding manifestations other than physical assaults and post-separation violence, and this is consistent with findings from other studies in this area (Lapierre and Côté 2016, Zaccour 2017).

Therefore, it seems necessary to challenge the main components of 'parental alienation' discourse, including the double standards for mothers and fathers, the idea that father-child contact should be maintained in all circumstances, and the idea that false allegations constitute a widespread problem. Professionals in family court and child protection services also need additional training on domestic violence and coercive control, in order to better understand the complex dynamics of power and control and the distinction between domestic violence and 'high conflict'.

Conclusion

Overall, the research findings demonstrate that ‘parental alienation’ is now a legitimized and institutionalized discourse in Quebec, influencing practices in family court and child protection services. Even though the institutionalization and legitimization processes may differ according to the jurisdiction, it seems essential to understand how ‘parental alienation’ discourse operates at both local and global levels in order to eradicate practices that reproduce gender-based power relations and domination.

Note

1. The Youth Protection Act was included in the analysis even though there is no reference to ‘parental alienation’, because it was identified as a relevant document by several key informants.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

This study was funded by the Social Sciences and Humanities Research Council of Canada through the Insight Grant program (2016–2021).

References

- Azzopardi, C., 2015. *The Discursive Construction of Gendered Attributions of Blame for Child Sexual Abuse: A Feminist Critical Discourse Analysis of Maternal Failure to Protect in Child Welfare Policy and Practice*. Thesis (PhD). University of Toronto.
- Baker, A.J.L., ed., 2007. *Adult children of parental alienation syndrome: breaking the ties that bind*. New York: Norton and Company.
- Bala, N., Hunt, S., and McCarney, C.M., 2010. Parental alienation: Canadian court cases 1989–2008. (Special Issue on Alienated Children in Divorce and Separation: emerging Approaches for Families and Courts). *Family court review*, 48 (1), 164–179.
- Barnett, A., 2020. A genealogy of hostility: parental alienation in England and Wales. *Journal of Social Welfare And Family Law*, 42 (1), this issue.
- Casas Vila, G., 2020. Parental alienation syndrome in Spain: opposed by the government but accepted in the courts. *Journal of Social Welfare and Family Law*, 42 (1), this issue.
- Doughty, J., Maxwell, N., and Slater, S., 2020. Professional responses to ‘parental alienation’: research-informed practice. *Journal of Social Welfare And Family Law*, 42 (1), this issue.
- Fairclough, N., 1995. *Critical discourse analysis: the critical study of language*. London: Longman.
- Fairclough, N., ed., 2010. *Critical discourse analysis the critical study of language*. New York, London: Longman.
- Faller, K.C., 1998. The parental alienation syndrome: what is it and what data support it? *Child maltreatment*, 3 (2), 100–115.
- Feresin, M., 2020. Parental alienation (syndrome) in child custody cases: survivors’ experiences and the logic of psycho-social and legal services in Italy. *Journal of Social Welfare And Family Law*, 42 (1), this issue.
- Gardner, R.A., 1985. Recent trends in divorce and custody litigation. *The Academy Forum*, 29 (2), 3–7.

- Gardner, R.A., 1987. *The parental alienation syndrome and the differentiation between fabricated and genuine child sex abuse*. Cresskill, New Jersey: Creative Therapeutics.
- Gardner, R.A., 1999. Differentiating between parental alienation syndrome and bona fide abuse-neglect. *The American journal of family therapy*, 27 (2), 97–107.
- Gardner, R.A., 2002. Parental alienation syndrome vs. parental alienation: which diagnosis should evaluators use in child-custody disputes? *The American journal of family therapy*, 30 (2), 93–115.
- Harris, B., 2014. *Assessing and responding to parental alienation cases: does gender matter in Canadian court decisions?* Thesis (MA). University of Western Ontario.
- Kelly, J.B. and Johnston, J.R., 2001. The alienated child: a reformulation of parental alienation syndrome. *Family court review*, 39 (3), 249–266.
- Lapierre, S. and Côté, I., 2016. Abused women and the threat of parental alienation: shelter workers' perspectives. *Children and youth services review*, 65, 120–126.
- Lazar, M.M., 2005. *Feminist critical discourse analysis: gender, power and ideology in discourse*. New York: Palgrave Macmillan.
- Meier, J., 2009. A historical perspective on parental alienation syndrome and parental alienation. . *Journal of Child Custody*, 6 (3-4), 232–257.
- Meier, J.S., 2020. U.S. child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show? *Journal of Social Welfare And Family Law*, 42 (1), this issue.
- Neilson, L., 2018. *Parental alienation empirical analysis: child best interests or parental rights?* Fredericton: Muriel McQueen Fergusson Centre for Family Violence Research and Vancouver. The FREDA Centre for Research on Violence Against Women and Children. Vancouver.
- Rand, D.C., 2010. Parental alienation critics and the politics of science. *The American journal of family therapy*, 39 (1), 48–71.
- Rathus, Z., 2020. A history of the use of the concept of parental alienation in the Australian family law system: contradictions, collisions and their consequences. *Journal of Social Welfare And Family Law*, 42 (1), this issue.
- Walker, L.E. and Shapiro, D.L., 2010. Parental alienation disorder: why label children with a mental diagnosis? *Journal of child custody*, 7 (4), 266–286.
- Zaccour, S., 2017. *Parental Alienation in Quebec custody litigation*. Thesis (LLM). University of Toronto.