
PSYCHO-LEGAL PUBLICATIONS ABOUT PARENTAL ALIENATION: AN INTEGRATIVE REVIEW OF LITERATURE IN PORTUGUESE

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ABSTRACT. After the enactment of Law No. 12,318 in 2010, awareness and discussion of Parental Alienation - AP increased not only in the psycho-legal context, but also social. This phenomenon also reflected in academic publications on the subject. This article analysed the publications on Parental Alienation, in Portuguese, between the years 2008 and 2014 in order to investigate the scientific quality of journals - based on the Qualis CAPES system, and the issues associated with the theme. 816 results were found with the descriptor "parental alienation" with a significant increase after 2010. Based on the inclusion and exclusion criteria, 29 articles followed for further analysis. Of these, 80% were publications of law, only 6.7% were empirical, 86% corroborated with the postulates of AP and ¾ were among the strata B4 and C. The most associated issues were slopes memories and / or sexual abuse allegations (42%) and shared custody (12%). The study concluded that there are many publications on the subject, but there are also publications in Portuguese, a deficit in term structure, methodology and scientific rigor.

Keywords: Parental Alienation Syndrome; Forensic Psychology; Child custody.

PUBLICAÇÕES PSICOJURÍDICAS SOBRE ALIENAÇÃO PARENTAL: UMA REVISÃO INTEGRATIVA DE LITERATURA EM PORTUGUÊS

RESUMO. Após a promulgação da lei nº 12.318 em 2010, a notoriedade e discussão sobre Alienação Parental (AP) aumentaram não só no contexto psicojurídico, mas também no social. Esse fenômeno repercutiu também nas publicações acadêmicas sobre o assunto. Este artigo analisou as publicações sobre alienação parental, em língua portuguesa, entre os anos de 2008 e 2014, com o objetivo de investigar a qualidade científica dos periódicos – tendo como base o sistema Qualis-Capes. Foram encontrados 816 resultados com o descritor “alienação parental”, apresentando aumento significativo depois de 2010. A partir dos critérios de inclusão e exclusão, 29 artigos seguiram para a análise mais profunda. Desses, 80% eram publicações do direito, apenas 6,7% eram empíricos, 86% corroboravam as postulações da AP e ¾ estavam entre os estratos B4 e C. Os assuntos mais associados foram falsas memórias e/ou alegações de abuso sexual (42%) e guarda compartilhada (12%). O estudo

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concluiu que existem muitas publicações sobre o assunto, mas há ainda, nas publicações em português, um déficit em termo de estrutura, metodologia e rigor científico.

Palavras-chave: Síndrome de alienação parental; Psicologia forense; Custódia da criança.

PUBLICACIONES PSICO-JURÍDICAS SOBRE LA ALIENACIÓN PARENTAL: REVISIÓN INTEGRADORA DE LITERATURA EN PORTUGUÉS

RESUMEN. Después de la promulgación de la Ley Nº 12.318, en 2010, la conciencia y la discusión de Alienación Parental - AP aumentó no sólo en el contexto psico-jurídica, sino también social. Este fenómeno también se refleja en las publicaciones académicas sobre el tema. Este artículo analiza las publicaciones sobre Alienación Parental, en portugués, entre los años 2008 y 2014 con el fin de investigar la calidad científica de las revistas - basado en el sistema Qualis CAPES, y las cuestiones relacionadas con el tema. Se encontró 816 resultados con el descriptor "alienación parental", con un aumento significativo después de 2010. Sobre la base de los criterios de inclusión y exclusión, 29 artículos seguidos para su posterior análisis. De éstos, el 80% eran publicaciones de ley, sólo el 6,7% eran empíricos, el 86% corrobora con los postulados de la AP y $\frac{3}{4}$ estaban entre los estratos B4 y C. Los temas más asociados eran cuestras recuerdos y / o acusaciones de abuso sexual (el 42%) y la custodia compartida (el 12%). El estudio llegó a la conclusión de que hay muchas publicaciones sobre el tema, pero también hay publicaciones en portugués, un déficit en la estructura temporal, metodología y rigor científico.

Palabras-clave: Síndrome de Alienación Parental; Psicología Forense; Custodia del niño.

Introduction

The concept of Parental Alienation arose in the 1980s and was postulated by the American psychiatrist Richard A. Gardner, who worked in the legal context, acting together the families in situation of custody dispute. Based on the several cases of custody dispute and in the frequent problems presented in the regulation of the visitation regime of the child and/or affective contacts of this with the non-guardian parent, Gardner elaborated a theorisation of what he called Parental Alienation (PA) and Parental Alienation Syndrome (PAS).

The mentioned author conceptualises the PA as a disorder that arises mainly in the context of marital separation and custody dispute of children and teenagers. Its first manifestation would be the smear campaign made on the part of one parent in relation to the other; it is a smear campaign without justification, aiming at distancing the child from the non-guardian parent (Gardner, 2001a, 2001b, 2002a, 2002b, 2002c, 2002d). According to the author, the PAS would be the result of the combination of indoctrinations, a programming – brainwashing – of the child that the mother makes to denigrate the non-guardian father (Gardner, 2001a).

Gardner (2001a, 2001b, 2002a, 2002b, 2002c, 2002d) and some of his followers (Pinho, 2011; Ben-Ami & Baker, 2012) point out temerarious consequences for children who suffer from PA, without however, presenting any cohort study and/or randomised that proves or justifies their existence. In any case, they are: (a) irreparable and deep sense of guilt in the adult life for having been accomplice of the alienating parent; (b) enuresis; (c) development of addiction; (d) low resistance to frustration; (e) outbreak of psychosomatic illnesses; (f) problems with anxiety, nervousness, aggressiveness and depression; (g) antisocial behavior; (j) identity disorder; (h) “dual personality” and (i) occurrence of suicide.

In relation to the alienating parent, according to the conceptions of Gardner and his successors, this would have a narcissistic or paranoid orientation in the interactions and interpersonal relationships that she/he plays, being this resulting from a personality disorder (Kopetski, 1998). From that, the theorisations about PA and PAS make a nosological approximation between the disturbances of the alienating parent and the paranoid schizophrenia and psychopathy.

All these positions and theoretical meanings were and are still subject of great controversy and distrust in the United States. There, the critics are especially in relation to the lack of scientism and even ethical procedures for the formulation and dissemination of this information on the part of Garner and his followers (Mendes, 2013; Lippi, 2011).

In Brazil, in the middle of 2000, there was the emergence of several organisations of fathers and mothers separated who were constituted as non-governmental associations or organisations defenders of the rights of the non-guardian parents. These organisations produced guidebooks and texts that were published in websites, for the purpose of dissemination of the questions that they represented, as well as to draw the attention of the society and judiciary. In addition to this intent, they began to appear in media articles in the various means of dissemination, drawing the attention to their questions. The appropriation of this term on the part of these associations, more than logical, seemed to be essential, since the PA not only legitimised their pleading, but also placed the State in a position of accountability in the face of the supposed severe forms of vilification of the rights of children and teenagers – who are priorities of the State, in the face of agreement with international treaties and the article 227 of the Federal Constitution.

The visibility and notoriety promoted by these associations and organisations, associated with the pressure of the media, allowed not only the recognition of the existence of PA in the Brazilian context, but also the legitimisation of its use, which became frequent in the cases of custody dispute in 2006 (Mendes, 2013). It is also credited the action of the Court of Justice of Rio Grande do Sul, which was *avant-garde* in the approach and legitimisation of the PA and its meanings, within the Judicial System.

On the 'crest of the wave' of PA, the then deputy Regis de Oliveira created in 2006 the Project of Law that originated the Law of Parental Alienation, which typifies and standardises the proceedings of the Court in the face of the cases regarded as PA. The mentioned Project of Law no. 4053/2008 moved in the Federal Legislative Chamber. In the justification of the project, the author do not present prospectations of studies and researches on the PA circumscribed to the socio-historical and cultural context of Brazil. This would be important, in order to know if there is validity and/or applicability of the PA in the Brazilian context. After moving in the Chamber, the project was sent over to the Federal Senate under the Congressional Law Project 20/2010, going through several evaluative committees, being approved and sanctioned under the Law no. 12318 on 26 August 2010 (Mendes, 2013).

The mentioned law lei (Lei n. 12.318, 2010) considers, in its Article 2nd, as Parental Alienation:

the interference in the psychological development of the child or adolescent promoted or induced by one of the parents, grandparents or those who possess the child or adolescent under their authority, custody or supervision in order to repudiate a parent or who causes injury to the establishment or maintenance of links with this.

It is intriguing the fact that Brazil is the only country in the world that has a specific legislation that recognises and punishes the Parental Alienation and its Syndrome, although both are not even listed in the Diagnostic and Statistical Manual of Mental Disorders – DSM (Mendes, 2013). Gardner even defended the inclusion of the PAS in the DSM, but this did not occur by lack of scientific evidences that could lead the PAS to an acceptable nosological category (Mendes, 2013). Besides, some authors (Escudero, Aguilar, & De La Cruz, 2008; Carrey, 2011) criticise the possibility to recognise the PA as a classifiable disorder in the DSM. Carey (2011) understand that this would be medicalise and place something that is essentially juridical at the same level as the autism, for instance. To the author, not everything that causes psychological suffering has to become a psychiatric syndrome or a disorder.

In any case, the use of the allegation of PA, by the litigant parties, as plaintiff argument for the child custody has increased, mostly, in the Family Courts (Mendes, 2013, Barbosa & Castro, 2013). Thus, the magistrates and forensic professionals also have used this term and its concepts to conduct their practices and for decision-making.

To support these practices behind the concepts that Gardner created, many of these juridical actors use of the existing literature on the subject. However, the Brazilian literature on the PA possesses few contributions that propose to reflect and think critically the concepts and use of the term Parental

Alienation, particularly regarding its scientism, adequacy to the Brazilian context and consequences for the psycho-judicial performance and, especially, for the well-being and best interests of the children and their family.

Sousa (2009) conducted a literature review study about the theme and found that there are no national contributions made from scientific studies methodologically committed to the accuracy and validity of the information and knowledge disseminated by them. According to the author, a large part of the available material refers to the production and promotion of material made by associations of fathers and mothers divorced. These materials constitute themselves as translation of the works of Gardner and/or elucubrations made from the contributions of him. Among the national authors who have contributed for a critical reflection about the PA, it is worth highlighting the works of Mendes (2013), Barbosa and Juras (2010), Sousa (2009, 2010), Barbosa & Castro (2013), Lippi (2011) and Coelho (2013).

The criticisms of the conceptualisation of PA and PAS have been established, mostly, through the contributions of some foreign authors, especially those of the American context such as Kelly e Johnston (2001), Bruch (2001), Ziropiannis (2001), King (2002), Pepiton, Alvis, Allen e Logid (2012), Moses and Townsend (2011) and Carrey (2011). One of the criticism that these authors make is that great part of the studies on the PA and PAS, including those of Gardner, do not possess an accurate and truthful scientific methodology that could corroborate the validity of their assumptions and postulations – such as the structuring of a theoretical framework and experimental models with statistical significance, validity of construct and quality of the results in relation to their internal and external validities, and also the blind peer review. Pepiton et al. (2011), Moses and Townsend (2011) point out that there are no scientific evidences enough to support the postulations of PA, because the compilation referring to the concept is flawed in its methodological dimensions and in the use of statistical procedures.

In face of this reality, and trying to understand how the Brazilian literature has approached the theme, this article intends to discuss, through a critical and integrative literature review, the psycho-judicial publications on Parental Alienation in the Brazilian journals.

Methods

The integrative review is a more comprehensive methodology of literature review that integrates experimental and non-experimental studies, aiming at the definition of concepts, review of theories and/or methodological analysis of a specific problem (Souza, Silva, & Carvalho, 2010). This review passed through five stages. The first was the definition of the questions of investigation; what is the range of qualification of the Qualis-CAPES that predominates in the journals in which the articles about PA and PAS are published? What are the implications that this may have for the quality of the articles and approach of the theme? To which knowledge areas do the journals that publish on this theme belong? Are there any differences between the approaches of each area? Do these articles corroborate or criticise the postulates of Richard Gardner? Are these productions mostly empirical or theoretical?

The second stage of the review consisted of the search for evidence through keywords in the databases. It was established the following descriptor: "Parental Alienation". The databases selected were: CLASE, LILACS, PePSIC, PERIÓDICOS CAPES and Google Scholar. Although not being a consolidated basis in terms of scientific reliability and trustworthiness, in relation to its indexation, the Google Scholar was chosen by its permeability in the academic and legal communities, constituting one of the most used bases.

In the third stage, a review and selection of the studies found were conducted. Each of the researchers was responsible to research and select the articles of a specific temporal range (2008 – 2009, for instance). This evaluation was guided by the inclusion and exclusion criteria established before the search in the databases: (1) address the theme of Parental Alienation as one of the main themes; (2) be in a journal that possesses International Standard Serial Number (ISSN); (3) belong to

the temporal stratum of research between 2008 and 2014; (4) be in Portuguese language and be released in Brazil; and (5) the journal should have been evaluated by the Qualis/CAPES system and, therefore, belong to some of the ranges of qualification.

The Qualis-CAPES qualification system corresponds to a series of procedures adopted by the Coordination for the Improvement of Higher Education Personnel (CAPES) in order to evaluate the quality of the production of scientific journals. This system is divided into strata, follows strict and consolidated criteria in the scientific community, and produces stratifications in the qualification of scientific journals.

The Qualis-CAPES system is composed of the strata A1, A2, B1, B2, B3, B4, B5, all in descending order of scientific quality. The classification criteria vary according to each area, but, in general, the journals must have the majority of their publications belonging to authors outside the institution responsible for the publication, editorial committee with national and international researchers (in the case of the highest strata) and active in the area, possess blind peer review, criteria and rules for submission. The main specific criteria of each stratum are: A1: journals of national and international excellence consolidated with the minimum of two publications per semester, at least, in the last eight years (in average); – A2: journals of national and international excellence, consolidated with the minimum of two publications per semester, at least, in the last six years (in average); (the strata A1 and A2 must also be in line with the specific criteria, by area, of indexation and factors impacting in the JCR (Journal Citation Reports) and Scopus – B1: journals of national excellence, consolidated with the minimum of two publications per semester, at least, in the last four years (in average) – B2: journals of reference for the area, the minimum of two publications per semester, at least, in the last three years (in average) – B3: journals of relevance for the area, with the minimum of two publications per semester, at least, in the last three years (in average); a minimum of 40% of the authors (in average) belonging to other institutions – B4: journals with the minimum of two publications per semester, at least, in the last two years (in average); a minimum of 30% of the authors (in average) belonging to other institutions – B5: journals with the minimum of two publications per semester, at least, during the last year (in average); a minimum of 20% of the authors (in average) belonging to other institutions. Finally, there is the stratum C that includes the articles that do not meet any criteria listed in the strata mentioned above.

It is also important to point out that, like all systematisation, Qualis-CAPES also presents criticisms and limitations. The criticisms are focused on the possibility of automation of the scientific production (Leite & Codato, 2013), and limitations of the measurement of scientific quality through the criteria established (Silva, 2009; Cabral Filho, 2010). In any case, when observing the criteria established by the Qualis-CAPES system, it is possible to conclude that they, in each stratum, indicate the scientific quality of the journals in relation to the permeability in the national and international academic community, to the quality of the editorial board, to the rigor for submission and analysis of the articles and to periodicity and relevance of the publications. Some authors (Silva, Menezes, & Pinheiro, 2003; Oliveira, 2005; Erdmann, Marziale, Pedreira, Lana, Pagliuca, Padilha, & Fernandes, 2009; Diehl, Macagnan, Zanini, & Wickboldt, 2010; Lino, Backes, Canever, Ferraz, & Prado, 2010) corroborate the perspective that the aforementioned system is indicator of scientific quality of the journals and, consequently, of the articles published in such journals, besides using the Qualis-CAPES for this purpose in their researches.

By analogy, it can be assumed that when a journal has a good qualification Qualis-CAPES, its articles, compositional units of the journals, will have too. Thus, for being a consolidated tool to evaluate the scientific quality is that the presence in the Qualis-CAPES was selected as one of the main criteria to the inclusion of the articles and of analysis of this study.

Following up the process of selection and analysis of the articles, results that corresponded to book reviews, movies or that gave access only to the summary and not to the full text of the work, were excluded. Besides, following the inclusion and exclusion criteria, books, book chapters, theses and dissertations were also not considered for the purposes of results and final analyses. As for the duplicity of results, the articles that presented this characteristic were considered only once for the purposes of accounting and analysis, and assigned to the database in which there was the first occurrence.

The evaluation of the articles was done of independent form, being each time stratum evaluated by at least two members of the research group responsible for the review and composed by the authors of this article, being, at least one of them, the reviewer. The cases of discrepancy, in terms of inclusion and/or exclusion, were discussed until an agreement was achieved. After this first selection, it was reached the final number of articles that would be evaluated according to the guiding questions of the research.

In the fourth stage, the articles selected were reread and had their information systematised with the help of an analysis protocol established by the group, in which appeared information fields that should be filled with the following data: database; article reference; ISSN; if criticises or corroborates Gardner; whether it is empirical or theoretical; stratum Qualis-CAPES and themes associated with the PA. The data of this stage were also reviewed by at least another member of the group.

The fifth stage constitutes the presentation of the results. These were produced through the filling of tables in the Excel computer program, fed by data from the research protocols. The tables produced served as a pre-analysis of the results found, presenting groupings of information relating to articles, cataloguing information of the articles, references, as well as the frequencies specific of each grouping. The next step was to do a fluctuating reading of all this material, then, organise, and discuss the results that will be presented subsequently.

Results and discussion

General Characteristics and Frequencies of Articles Found

Eight hundred and sixteen results for the descriptor “parental alienation” in the five databases researched were found. Of these, only 29 were selected from the inclusion criteria established. The database with the highest number of results ($n=783$) and files selected was the Google Scholar with 79.3% ($n=23$) of articles selected for the final stage of analysis, followed by PERIÓDICOS CAPES with 10.3% ($n=3$), PePSIC with 6.9% ($n=2$) and LILACS with 3.5% ($n=1$). CLASE was the only database that did not have any results selected for the stage of analysis.

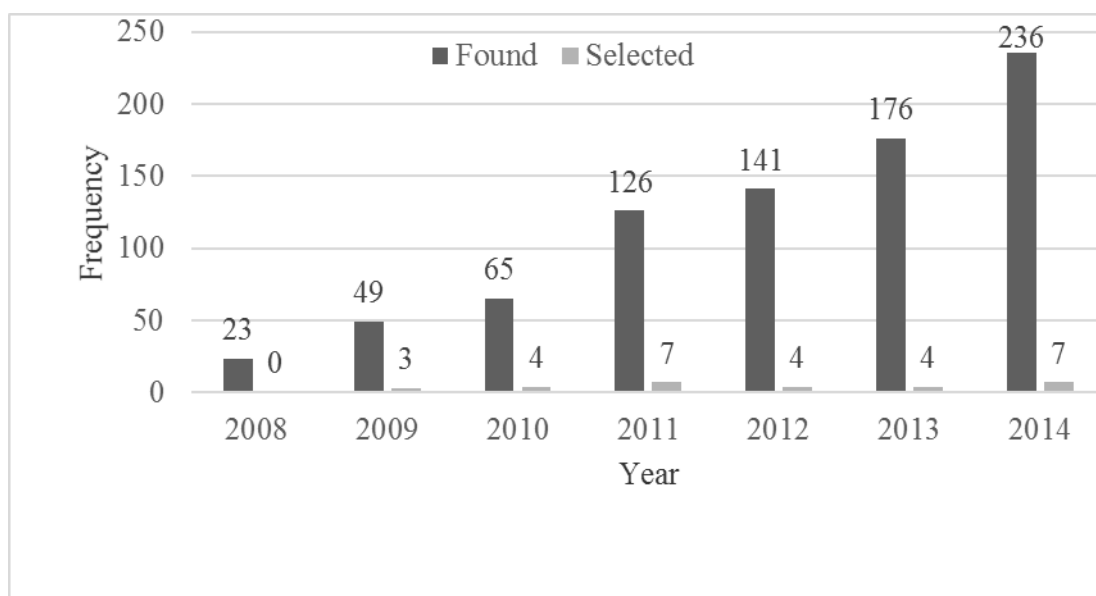


Figure 1. Frequency of the articles found between the years 2008 and 2014 using the descriptor “Parental Alienation”

Figure 1 presents a graph that indicates the growing increase of the issue of PA in the journals. The most expressive increase occurred from 2011 to 2012, when the growth was approximately of 11.9 %, increasing progressively in the following years, 24.8% from 2012 to 2013 and 34.1% from 2013 to 2014. It is also important to note the increase of almost 94% in the number of publications from 2010. This steep increase can be assigned to the promulgation of the Law of Parental Alienation (lei n. 12.318, 2010) that occurred in the year 2010. With the validity of the Law, the social and legal actors began to have a higher social and legal implication with the theme. This also reflects on the Family Courts across the country, which have been piled with allegations of Parental Alienation (Mendes, 2013; Barbosa & Castro, 2013; Lippi, 2011).

Characterisation and analysis of the articles selected

Next, we presented the characteristics and discussion relating to the articles that met the inclusion and exclusion criteria and, thus, were subjected to a deeper analysis.

Table 1

Database	Authors	Year of Publication	Posture in Relation to Gardner	Journal	Theoretical or Empirical?	Area	Qualis-CAPES*
Google Scholar	Almeida	2009	Corroborates	Erga Omnes	Theoretical	Law	C
Google Scholar	Silva & Fogiatto Cintra,	2009	Corroborates	Jus Societas	Theoretical	Law	C
Google Scholar	Salavessa, Pereira, Jorge & Vieira	2009	Criticizes	Revista Julgar	Theoretical	Law	B1
Google Scholar	Reis & Reis	2010	Corroborates	Revista da ESMESE	Theoretical	Law	C
Google Scholar	Paulo	2010	Corroborates	Revista Brasileira de Direito das Famílias e Sucessões	Theoretical	Law	B5
Google Scholar	Lima & Saad	2010	Corroborates	Revista do Curso de Direito da UNIFACS	Theoretical	Law	C
Google Scholar	Tudela & Fernandes	2010	Corroborates	Revista do Curso de Direito da UNIFACS	Theoretical	Law	C
Google Scholar	Silva	2011	Corroborates	Revista da ESMESC	Theoretical	Law	B5
Google Scholar	Pinho	2011	Corroborates	Revista do Curso de Direito da UNIFACS	Theoretical	Law	C
Google Scholar	Oliveira & Barreto	2011	Corroborates	Revista do Curso de Direito da UNIFACS	Theoretical	Law	C
Google Scholar	Santos & Melo Júnior	2011	Corroborates	Revista do Curso de Direito da UNIFACS	Theoretical	Law	C
Google Scholar	Pinho	2012	Corroborates	Revista de Direito e Humanidades	Theoretical	Law	C
Google Scholar	Machado & Andrade	2012	Corroborates	Revista Eletrônica Faculdade Montes Belos	Theoretical	Social and Human Sciences	B5
Google Scholar	Viana	2013	Corroborates	Revista da SJRJ	Theoretical	Law	B4
Google Scholar	Sé, Leão & Gonçalves	2013	Corroborates	Revista do Curso de Direito - FANESE	Theoretical	Law	C

Google Scholar	Carvalhais & Batista	2013	Corroborates	Juricare	Theoretical	Law	C
Google Scholar	Scandelari	2013	Corroborates	Anima	Theoretical	Law	C
Google Scholar	Coelho & Morais	2014	Criticizes	Contextos Clínicos	Theoretical	Psychology	B3
Google Scholar	Galvão & Cerqueira	2014	Corroborates	Revista do Curso de Direito da UNIFACS	Theoretical	Law	C
Google Scholar	Oliveira & Avalrenga	2014	Corroborates	Revista do Curso de Direito do UNIFOR	Theoretical	Law	C
Google Scholar	Lelis & Vanderley	2014	Corroborates	Interfaces Científicas - Direito	Theoretical	Law	B4
Google Scholar	Gonçalves	2014	Corroborates	Revista da SJRJ	Theoretical	Law	B4
Google Scholar	Silva & Mendanha	2014	Corroborates	Interfaces Científicas - Direito	Theoretical	Law	C
LILACS	Sousa & Brito	2011	Criticizes	Psicologia, Ciência e Profissão	Theoretical	Psychology	A2
Pepsic	Próchno, Paravidini & Cunha	2011	Corroborates	Mal-Estar e Subjetividade	Theoretical	Psychology	B1
Pepsic	Luz, Gelain & Lima	2014	Corroborates	Revista Psicologia e Saúde	Empirical	Psychology	B4
PERIÓDICOS CAPES	Souza & Barreto	2011	Corroborates	Espaço Jurídico: Journal of Law	Theoretical	Law	B1
PERIÓDICOS CAPES	Faccini & Ramires	2012	Criticizes	Interamerican Journal of Psychology	Empirical	Psychology	B1
PERIÓDICOS CAPES	Santa Rosa	2012	Corroborates	Letrando	Theoretical	Law	B5

NOTE: The assignment of qualification stratum was made regarding the area of knowledge to which the article is applied and not the area of knowledge of the journal.

By analysing Table 1, the first consideration that can be made is that there is a predominance of the strata B5 and C, which correspond to 65.5% (n=19) of the journals analysed. Subsequently, there are the strata B1 and B4 with the predominance of 13.8% (n=4) each and the stratum B3 with 3.5% (n=1).

More than 79% (n=23) of the articles analysed are found in journals of low stratum (B4 and C). This data is important, because indicates one of the major problems with the publications associated with the theme of Parental Alienation in Brazil: the lack of scientific rigor in the production and dissemination of information, once the strata B4 and C are the last in the stratification Qualis-CAPEs. Besides, it is possible to see another critical issue of these publications: type of study. Only 6.7% (n=2) of the articles are empirical, that is, they presented not only theoretical elucubrations on the theme, but also a structured method for collection and analysis of data, which led to results that will corroborate their postulates. These studies had qualitative design, one focuses on the perception of parents from an experience of meditation and the other conducted a case study with three families. In any case, none of the empirical studies discussed the theoretical and scientific weakness of the assumption of Parental Alienation; they only studied the perceptions and understandings of the families.

Regarding the agreement or disagreement with the assumptions of PA, it is possible to see that 86% (n=25) of the articles corroborate the ideas of Gardener and 14% (n=4) have a critical positioning to Parental Alienation. The criticisms are centred on the theoretical weakness of these assumptions, in the reductionism and in the lack of adaptation of these theorisations to the Brazilian culture. As already mentioned, in Brazil, there are few authors who are proposed to have critical attitude in relation to Parental Alienation. For that reason, the existence of articles with a more reflective position is of utmost importance to construct a critical perspective on this theme in continuous and growing evidence in the academic and legal communities.

Outside the country, especially in the United States of America, there are now many authors with this perspective. The American Authors Moses and Townsend (2011) point out that, although for many the concept can make sense, in the general, it is not accepted as a syndrome, nor is widely embraced by the communities of Mental Health and Justice of the United States of America. Still, according to the authors, the theory behind the meanings of PA and PAS is widely criticised by lack of validity and scientific reliability and has been criticised in the scientific community.

In the United States of America, the National Council of Judges of the Juvenile and family Court has recommended not to consider and/or use the concepts of PA and PAS in cases of custody dispute. However, the concept of PA is not absent from the jurisprudence and it is frequent to witness its use in the legal context (Moses & Townsend, 2011).

Following the criticisms made of the PA and PAS, Bruch (2001, pp. 527 -534) presents some criticisms to the theorisations of Gardner: (1) "the PA is present in 90% of the cases of custody dispute" – there are no results of scientific investigation that justify his affirmations about the syndrome, its frequency or how it was configured; (2) "the recognition of PA and Pas is in favor of the well-being of children" – the conceptions of PA and the developments of its recognition and application can harm children, degrading the best interests of them and of their families; (3) "the child undergoes a brainwashing" – Gardner pathologises the reaction of the child and of the other members of the family before the situation of divorce, which means crisis for the family who no longer recognise parents and children with anger, frustration, anguish and anxiety, many times expressed inadequately. These behaviors are expected in the situation of post-divorce. The mistaken understanding of this context of crisis leads Gardner to affirm that the PA and Pas are frequent in the situation of post-divorce; (4) "there are false allegations of sexual abuse, because they are due to Parental Alienation" - the discredit of Gardner in relation to the accusations of sexual abuse places children at risk, because, the custody can be reversed for the "alienated-parent", who can be, in fact, an abuser.

As for the articles that corroborate the assumptions of PA, it was observed that 86% (n=25) of the articles selected have this posture. It is important to note that all these articles are theoretical, that is, without empirical basis for their affirmations, and ¾ of them belong to the stratum C of the Qualis-CAPES. As already pointed out, this stratum is of lowest scientific quality and, for the purpose of evaluation, does not even receive score. This leads to the reflection that the vast majority of the articles that defend the Parental Alienation lack scientific quality to do it. This is a serious issue, because Science, and the knowledge that it produces should be guided by a practice and reflections based on evidences, that is, on data with the minimum of scientific trustworthiness. It is worrisome the confirmation that the vast majority of the publications in this area belong to this stratum, not only because of what was already exposed, but, mainly, for being these the materials that support and reinforce a great part of the psycho-judicial action on the theme.

Other important aspect observed is the area of knowledge that more concentrates the productions selected. It is noticed that the vast majority of the journals belong to the area of Law with 79.3% (n=23). Only 17.2% (n=5) of the articles belong to Psychology, although the PA is touted as a phenomenon of great impacts on the psyche of children and teenagers involved in this situation. This reality point to other worrying factor: the judicialisation of a phenomenon that is psycho-socio-cultural-relational. What are the interests behind this? The fact is that the judicialisation of this phenomenon and the concentration of "scientific publications" on it in the area of Law indicates the action of specific interests. In this sense, the establishment of the PA in the Brazilian courts is a product of actions and interests that led to an intellectual, paradigmatic and commercial market reserve. The jurists and part of the health professionals are those who more think and speak about PA; they are who indicate the Cartesian, linear, Manichean and positivist form to understand this phenomenon and who defend at all cost the existence, occurrence and need of punishment in these cases.

Bruch (2001) points out that, in practice, the emergence of the PAS provided advantages for the litigious parents, who are not the custody holders, and who have sufficient resources to hire lawyers and experts. To the author, it is possible that many lawyers and mental health professional simply have learned a new source of revenue, a way "to do something for the father when he hires me" (p.540).

On the other hand, there are studies that show a more critical look of the judicial actors about the assumptions and application of PA. Mendes (2013) conducted a qualitative study with judges,

prosecutors, lawyers, psychologists and forensic social workers about the theme. It can be verified that the positioning of these authors indicated a criticism of the generalisation and reduction of complexities that involve the family, especially, in the situation of post-divorce linked to the PA. They make a criticism of the trivialisation of allegations of PA in the cases of custody dispute and of the criminalisation and punishment of behaviors derived from the suffering and anguish, common in crisis, which is the divorce.

The criticism that is made is that the PA imprisons the family in a scene with papers and fixed and rigid tasks, which carry niches of value and action that do not correspond to the complex and systemic character of the family relationships. This, in addition to aggravate the conflicts, can lead to the emergence of more harms to the family and child (Mendes, 2013).

Various themes commonly are related to the PA. The frequencies of the issues more often associated with this theme were counted and the result was: (1) "false memories" and false allegation of sexual abuse" were drawn with 21%; (2) "shared custody", 12%; (3) "child protection" and "best interest of the child" 8% each; (4) "civil liability", 8%; (5) "family mediation", 6%; (6) "affective abuse" and "moral damage" with 4% each; (7) "interdisciplinarity", 4%; (8) "Maria da Penha Law" and "religious rights" with 2% each.

The association between PA and false memories and/or false allegations of sexual abuse is very common in the literature and the most related to the PA, as it was showed. These two themes appeared even in those articles that were excluded during the first part of the process of systematic review. It is common the allegation of false memories in these articles – by the way, the PA has also been referred to as "False Memory Syndrome" (Mendes, 2013). According to these articles, the alienating parent would be implanting, in the child's head, events and facts that denigrate the image of the alienated-parent, in order to distance him from the child. These would be events and facts that did not occur, therefore, false memories. In a research about the PA, Coelho (2013) demonstrates that there is also many articles that relate false memories to PA.

Other theme that is recurring in the literature on the PA, and also stood out in this review, are the false allegation of sexual abuse. According to these articles, the alienating-parent would make false allegations and accusations of sexual abuse against the alienated parent in the intention of harming and distancing him from the child. Ziropiannis (2001) draws attention to this posture of denying the existence of abuse in the cases regarded as PAS, just by the fact that they are in this context. To the author, a court that believes in the existence of PAS can also subject the child at a possible risk of sexual abuse for considering a true allegation as false only because it is circumscribed in a supposed context of PA. This author also believes that the experts should not use the PA as a tool, unless it starts to meet the rules of admissibility of expert evidence. Even so, the evidence of PA must never decide the process and case outcome, especially when there are allegations of sexual abuse.

The second theme most associated with PA, by the articles selected, was shared custody. This theme is very associated with PA, occurring publication not only in journals, but also of conclusion works in law course, specialisation monograph and even of *stricto sensu* productions. Coelho (2013), Barbosa and Castro (2013) point out that the productions about PA indicate the shared custody as one of the possible solutions to solve the PA. However, the authors question the simplicity with which this association is made and stress that this modality of custody requires a specific arrangement, in which some families with conflicts of high complexity, the vast majority involved in the cases of PA, cannot have.

The logic that there is behind the notes of the shared custody as solution to the cases of PA is that, through it, it would be possible to balance the power between the parents and, thus, avoid the occurrence of abuses by the guardian-parent. What it is observed in these articles is the shared custody being pointed as almost-magic solution to the conflicts of high belligerence between the pair of parents. However, it is known that the establishment of shared custody requires indispensable preconditions, among them, the good parental communication and flexibility. In the conflicts of high belligerence, good communication and flexibility are not part of the exchanges established between the pair of parents. Thus, the establishment of the shared custody can aggravate even more the conflict. In this sense, the promulgation of the Law 13058/14, which modifies the Civil Code and makes the shared custody compulsory in the cases in which there are no agreements between the parents, can be

presented more as a demeaning mechanism of the child's best interests than protector of his bio-psycho-socio-cultural welfare.

The themes on child protection and his best interests, affective abuse, moral damage and civil liability tend to overlap together. This because the idea is that, the recognition of the PAS favours the well-being and the child's interests. The occurrence of PA, from the perspective of those who defend its postulates, violates this, leading to a situation of affective abuse and consequent moral damage, which would give rise to civil liability of the alienating-parent and compensation for the child and alienated-parent.

Mediation and interdisciplinarity are themes that also overlap together. The family mediation, which should constitute interdisciplinary, already appears as a more congruent alternative to these cases. Costa, Penso, Legnani and Sudbrack (2009, p. 240) point that, in mediation, it should take into account the need of constructing "a favourable space to dialogue (...), since we understand the conversation as the privileged locus for the mutual understanding between the named plaintiffs, and for the emergence of initiatives and creation of 'sewed' solving opportunities in common". In this sense, Bucher-Maluschke (2007) recognises that the family mediation can help in resolving family conflicts. The author also reflects that the mediation of conflicts should privilege the development of alterity between the conflicting persons and promote the empowerment of the involved in the litigation, as well as the softening of the will.

Final considerations

The main objective of this article was, through a quantitative and descriptive analysis, to establish a general picture of the psycho-judicial publications on Parental Alienation in Brazil. It was intended to discuss about the scientific quality and the positioning and implications of these articles in relation to the postulates of the theory of Gardner.

Initially, the results indicated that there was a progressive growing of the psycho-judicial publications on the theme in the time stratum researched, with the expressive increase after the promulgation of the Parental Alienation Law in 2010. This shows something that was already possible to observe in the social environment, with the increase of the discussions on PA in the most diverse space and social environments (newspapers, magazines, websites, soap operas). In addition, evidently, to the legal context, which has received frequent complaints of PA in the cases of custody dispute and others that involve the rights of children and young people.

It was also found that 2/3 of the articles analysed belonged to the lowest strata of the Qualis-CAPES (B5 and C). Still regarding this theme, the results indicate that ¾ of those that corroborate the postulates of the PA (therefore, they believe in its existence and defend legal sanctions in these cases). These data are worrisome, because both the majority of the articles on PA and those that defend it possess low scientific quality, having the Qualis-CAPES stratification as a basis. The implications of this are not only academic, because it is known that both judicial actors (judges, prosecutors and lawyers) and forensic professionals (psychologists and social workers) use this literature to support their practice. The concern about the well-being and guarantee of rights of children and teenagers in cases of custody dispute of high belligerence is legal and necessary, but it has to be founded, especially on the practice of judicial actors, on scientific evidences.

The increasing production of articles about Parental Alienation shows a positive aspect linked to the concern with the child welfare and the preservation of his best interests. This is something good, but how has this been done? Have the postulates on PA and PAS really served for this purpose? How have the publications in this area reflected this?

The answer for these questions leads to worrying findings, as already discussed throughout this article. If on the one hand these assumptions and theorisations intend to preserve the child and his best interests, on the other hand they end up, just, denigrating them, because the lack of scientism in the production and dissemination of information on this theme provide a disservice to child, his family, and to the Justice System.

These results, and the discussions made from them, may contribute to a critical appropriation about the theme. These reflections may also help the consumers of scientific information about the theme to qualify its search, seeking a practice based on evidence, especially to the judicial actors. Besides, the discussion here presented may contribute for the construction of a more holistic and complex comprehension of the situation of divorce, understanding its systemic character and its insertion in a context of crisis, evidencing the co-responsibilities and, mainly, the real best interests of the children.

The main limitations of this study are centred on the choice of the Qualis-CAPES stratification and on the quantitative and descriptive analyses carried out. The Qualis-CAPES, even though it is recognised and widespread in the academic community, as all systematisation, it possesses limitations, which are transposed into the results and conclusion of this study. The descriptive-quantitative analyses are also a limitation as they delimit the type of data and possible conclusions, as indeed, all method of analysis. In any case, such limitations do not disqualify the findings, they only point out the delimitations of the reflections made here and pave the way for reflections and establishment of new studies that may complement the gaps of the study.

It is important to make a critical reflection not only on the psycho-judicial publications, but also on the postulates about PA themselves. In this sense, it is important to think and question some points: (1) non-contextualisation of the conflict – the context of divorce, which is of crisis, generates anguishes, anxieties and stresses that, not always, are addressed in an assertive way by the families; (2) denial of the historicity of the relationships – power struggle and competitions form part of the amalgam of these relationships, they do not appear only during the divorce; (3) pathologisation, medicalisation and criminalisation of the phenomena of post-divorce – the divorce reveals crisis, which leads the family as a whole to a emotional imbalance, anguish and anxiety. This is neither disease nor crime; (4) subjection and passivity of the child – the child is not a simple “maneuver mass”, someone without will, wishes and own ideas, who may be controlled and programmed; he is a person.

Finally, it is necessary that the professionals of Psychology and other areas with interest on the theme, engage more in the scientific production about the family conflicts in context of crisis, formation of alliances and coalitions in order to contribute to a more critical reflection about these phenomena. It is necessary to contest the protective discourse that there is behind the assumptions of the Parental Alienation and highlight the harms that pathologise, medicate and criminalise events and situations that are contingents to the situation of post-divorce and crisis. It is necessary to offer support and treatment to these families. Therefore, these cases should be seen and interfered from the comprehension, understanding, listening, reflection and mediation paradigms.

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Received: Nov. 04, 2015
Approved: Apr. 13, 2016

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